

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029



SDMS DocID

2055832

SUBJECT: Request for Signature and Concurrence in CERCLA
De Minimis Settlement—Malvern TCE Superfund Site

FROM: *W. C. Early*
William C. Early (3RC00)
Regional Counsel

Abraham Ferdas (3HS00)
Director, Hazardous Site Cleanup Division

TO: Thomas C. Voltaggio (3RA00)
Acting Regional Administrator

This memorandum recommends that you sign the attached proposed Administrative Order on Consent for *De Minimis* Settlement, Docket No. CERCLA-03-2001-0381 ("Proposed *De Minimis* AOC"), and the Explanation of Proposed *De Minimis* Settlement Memorandum, so that Region III can forward these documents to the Department of Justice for approval.

The proposed settlement, if approved, will be the second *de minimis* settlement EPA has entered into in connection with the Malvern TCE Superfund Site ("Site"). Effective September 28, 1999, EPA entered into a *de minimis* settlement, memorialized in Administrative Order on Consent for *De Minimis* Settlement, Docket No. III-98-074-DC ("First Round *De Minimis* AOC"), with approximately 168 *de minimis* parties relating to the Site.

The following documents are enclosed for your review:

1. The Proposed *De Minimis* AOC;
2. Settlement Decision Analysis under EPA's "Interim CERCLA Settlement Policy;"
3. A memorandum explaining how EPA determined which potentially responsible parties ("PRPs") at the Site qualify for the Proposed *De Minimis* AOC ("Explanation of Proposed *De Minimis* AOC");
4. A transmittal letter of the above-referenced documents to the Assistant Attorney General.

EPA and nine (9) proposed *de minimis* parties have negotiated the Proposed *De Minimis* AOC to settle EPA's proposed claim pursuant to Section 122(g) of CERCLA, 42 U.S.C. § 9622(g), which allows the United States to reach final settlement in an administrative or civil action under Section 107 of CERCLA, 42 U.S.C. § 9607. Each *de minimis* party will pay to the EPA its proportionate share of

the total past and estimated future costs and a premium based on EPA's volumetric analysis as set forth in the New Volumetric Ranking Summary for the Proposed *De Minimis* AOC ("New VRS") and described in the Settlement Decision Analysis. Collectively, the nine proposed *de minimis* parties will pay \$645,749 in settlement.

The Explanation of Proposed *De Minimis* AOC Memorandum sets forth the methodology by which the Region III program and legal offices calculated the *de minimis* formula and determined which PRPs were entitled to *de minimis* treatment. This memorandum is intended to be made public should the proposed *de minimis* settlement be challenged. Accordingly, we request that you formally concur on this memorandum. A copy of the draft index to the Administrative Record for the Malvern TCE Site Proposed *De Minimis* AOC is attached as background to this memo.

Finally, please sign the transmittal letter of the above-referenced documents to John Cruden, Acting Assistant Attorney General.

Attachments



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION III
 1650 Arch Street
 Philadelphia, Pennsylvania 19103-2029

MEMORANDUM

SUBJECT: Malvern TCE Superfund Site – Explanation of Proposed Second Round *De Minimis* Settlement

FROM: Joan A. Johnson (3RC41)
 Senior Assistant Regional Counsel

Joan A. Johnson

Carlyn Winter Prisk (3HS11)
 Investigator, PRP Investigation and Site Information Section

Carlyn Winter Prisk

TO: Thomas C. Voltaggio (3RA00)
 Acting Regional Administrator

We recommend that you sign this memorandum which concerns a proposed Second Round *De Minimis* settlement for the Malvern TCE Superfund Site in East Whiteland Township, Chester County, Pennsylvania ("Site"), involving nine (9) settlors, and documents the factors the Region used to determine that the settlement meets the statutory requirements. A list of the proposed Second Round *De Minimis* Settlers is attached as Attachment 1.

Section 122(g) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C § 9622(g), authorizes EPA to enter into *de minimis* settlements with parties which arranged for disposal of wastes at a Site when: 1) both the volume and toxicity of those wastes are minimal in comparison with that of other PRPs; 2) the settlement involves only a minor portion of the response costs; and 3) the settlement is practicable and in the public interest.

Based on EPA's June 2, 1992, Methodology for Early *De minimis* Waste Contributor Settlements Under CERCLA Section 122(g)(1)(A), OSWER Dir. #9834.7-1C, and the December 20, 1989, Methodologies for Implementation of CERCLA Section 122(g)(1)(A) *De minimis* Waste Contributor Settlements, OSWER Dir. #9834.7-1B ("*De minimis* Methodologies"), and other applicable guidance,¹ the Region may use its discretion in setting the parameters for a *de minimis* settlement providing the Region complies with the protocols set forth in the above referenced *de minimis* guidance. EPA may enter into a *de minimis* settlement with a party that meets the following criteria:

¹ Guidance applicable to *de minimis* settlements includes, "Interim Guidance on Settlements with *De minimis* Waste Contributors under Section 122(g) of Sara," OSWER Dir. #9834.7 (52 Fed. Reg. 24333, June 30, 1987) ("*Interim De minimis* Settlement Guidance"); Streamlined Approach for Settlements with *De minimis* Waste Contributors Under CERCLA Section 122(g)(1)(A)," OSWER Dir. #9834.7-1D (July 30, 1993), and Memorandum from the Director of the Office of Site Remediation Enforcement, "Standardizing the *de minimis* Premium" (July 7, 1985).



- 1) The settlement involves only a minor portion of the site response costs;
- 2) The amount of hazardous substances contributed by an individual party is minimal in comparison to the other hazardous substances at the Site;
- 3) The toxic or other hazardous effects of the substances contributed by the party is not significantly greater in comparison to the remaining parties; and
- 4) The settlement is practicable and in the public interest.

Pursuant to the EPA Office of Site Remediation Enforcement's "CERCLA Prior Approval, Concurrence, and Consultation Roles Chart," dated July 13, 2001, EPA Headquarters' review of and concurrence with this proposed settlement is not required.

I. BACKGROUND

A. SITE HISTORY AND OWNERSHIP

The Site is located in East Whiteland Township, Chester County, Pennsylvania, and is comprised of land currently owned by the Chemclene Corporation ("Chemclene") and adjacent property owned by Springridge Management Corporation ("Springridge"). The Site is located less than 1/4 mile from a Philadelphia Suburban Water Company well and is in close proximity to two residential communities and the Great Valley High School.

B. HISTORY OF OPERATIONS AT THE SITE

From 1952 until 1992, Chemclene sold and reclaimed industrial cleaning solvents, including trichloroethene ("TCE"); 1,1,1-trichloroethane ("1,1,1-TCA"); perchloroethylene ("PCE," also called tetrachloroethene); and methylene chloride ("MEC"). These solvents were used by local industries for degreasing metal parts and other cleaning purposes. Chemclene used a distillation process to remove impurities from the chlorinated solvents. The distilled solvents were then resold to customers for reuse, or resold to other customers. Chemclene utilized two areas of the Site as part of its operations, the Main Plant Area ("MPA") and the Former Disposal Area ("FDA").

The end products of processing waste solvents are the reclaimed solvents and chlorinated still bottoms. The chlorinated waste solvents are listed hazardous wastes pursuant to the Resource Conservation and Recovery Act ("RCRA") and, therefore, the resulting still bottoms are listed hazardous waste. Prior to 1975, Chemclene reportedly buried drums containing the still bottom sludges from the distillation process in the Former Disposal Area/Mounded Area ("FDA"), approximately 1,900 feet southwest of the main plant. The FDA consists of two unlined earthen pits, each approximately 30 feet by 50 feet by 15 feet deep. This area is currently secured by an 8-foot high chain link fence. The Mounded Area, located on the western edge of the FDA, is approximately 8 feet wide by 150 feet long.

Chemclene's activities at the Site have been linked to the presence of volatile organic contaminants in the groundwater and soil at the MPA and the FDA and the groundwater of the adjacent Springridge Property. These contaminants include TCE, PCE, 1,1,1-TCA, MEC, 1,1-DCE, among others, and are listed as hazardous substances under 40 C.F.R. § 302.4.

C. ENFORCEMENT HISTORY

In the spring of 1980, TCE was detected in groundwater from several wells in the vicinity of the Chemclene facility. At this time, Chemclene began sampling domestic wells in the immediate vicinity of the property. Private domestic wells and on-Site monitoring wells were sampled by Pennsylvania's Department of Environmental Resources, now known as the Department of Environmental Protection, and Chemclene in June 1980 and July 1981. Analytical results revealed contamination of the underlying aquifer with chlorinated ethenes and related compounds. TCE was detected in wells at concentrations up to 12,600 micrograms per liter ("g/l"), far exceeding the Maximum Contaminant Level of 5.0 g/l. The Site was listed on the Superfund National Priorities List in September 1983. The contaminated home wells were located south of the FDA, with several located in the Hillbrook Circle residential development. Chemclene furnished activated carbon filter units to twenty (20) residential wells within the Hillbrook Circle Development and conducted periodic sampling of home wells in accordance with its Domestic Well Management Plan until November 1994. In February 1995, EPA assumed control of maintenance activities of the carbon filter units and periodic sampling of the home wells, after it was determined that Chemclene was not following the procedures outlined in its Domestic Well Management Plan. In August 1995, several of the filter systems were upgraded by EPA in response to analytical results from residential well samples that showed contamination was passing through the existing filters into the homes.

In addition to the installation of carbon filters, Chemclene conducted removal actions following the detection of soil and groundwater contamination in 1980. Debris and approximately 300 drums were removed from the FDA excavations, in a prolonged removal effort from 1981 to 1984. Soils underlying the FDA were excavated to a depth of 15 feet and transported for disposal at a RCRA permitted disposal facility. Additional drums were removed from the Mounded Area in late 1990; however, contaminated soil was left in place.

Four underground storage tanks were removed from the MPA in 1986. Soil samples collected from below the excavation grade of the tanks exhibited elevated concentrations of TCE, PCE, and 1,1,1-TCA. In addition, elevated levels of volatile organic compounds were detected in soil gas samples collected outside the distillation building in the MPA. These contaminant levels are believed to be related to Chemclene's past practices of discharging contaminated condensate from the recycling distillation process directly onto the ground surface.

As an operating facility, Chemclene entered into a RCRA Corrective Action Order with EPA in 1987. A RCRA Facilities Investigation Work Plan was approved for the Site in 1989. In

July 1992, Chemclene withdrew its RCRA Part B Application as a treatment and storage facility, and to EPA's knowledge stopped accepting waste solvents for reclamation.

Chemclene failed to complete the RFI and implement interim corrective measures. As a result, EPA began considering the Site under the Superfund remedial program in November 1993. All existing data was compiled and a report was developed entitled Data Summary Report, April 1995. Based on EPA's review of the existing information, data gaps were identified and EPA was unable to conduct a Human Health or Ecological Risk Assessment. Accordingly, EPA conducted a Remedial Investigation ("RI") to complete the necessary data gathering at the Site. The RI was completed in January 1997 and the Feasibility Study ("FS") in June 1997. The Proposed Plan for a comprehensive Site cleanup was issued in June 1997. In November 1997, EPA issued a Record of Decision ("ROD") selecting a final remedy for cleanup of the Site. Available information indicates that Chemclene ceased operations in the Fall of 1999.

In April 1998, EPA notified approximately 250 generator and transporter PRPs of their eligibility for a potential Superfund *De Minimis* settlement offer regarding the Site. Additionally, in May 1998, EPA issued Special Notice Letters to approximately 40 non-*De Minimis* PRPs which notified them of their opportunity to resolve their liability with respect to the Site. In May 1999, EPA and 169 *De Minimis* parties entered into the First Round *De Minimis* AOC, which became effective September 28, 1999. In December 1999, the United States District Court for the Eastern District of Pennsylvania entered a Consent Decree between EPA and 35 non-*De Minimis* parties ("RD/RA Consent Decree Settlers"). Among other things, the RD/RA Consent Decree Settlers agreed to implement the Remedial Design and Remedial Action specified in the November 1997 ROD.

In April 2001, a group of the RD/RA Consent Decree Settlers ("Chemclene Site Defense Group") sent a letter to 130 parties demanding payment of contribution towards the cost of remediating the Site. In addition to seeking a per drum payment by non-settlers to settle potential claims of RD/RA Consent Decree Settlers, the RD/RA Consent Decree Settlers also sought payment by each non-settler of a \$25,000 administrative fee. In response to receipt of these demand letters, the proposed Second Round *De Minimis* Settlers, many of whom are small companies, contacted EPA seeking protection by the United States against these demands. As a result of these requests from the Second Round *De Minimis* Settlers, the United States has negotiated the proposed Second Round *De Minimis* AOC.

II. DISCUSSION

As noted above, a Section 122(g) CERCLA *de minimis* settlement requires a showing that 1) both the "amount" and "toxic or other hazardous effects" of the proposed settlor's wastes are minimal in comparison with that of other PRPs; 2) the settlement involves "only a minor portion of the response costs at the facility;" and 3) the settlement is practicable and in the public interest."

A. Both the Volume and Toxicity of the Wastes Sent to the Site by the Proposed *De Minimis* Settlers are Minimal in Comparison with that of Other Waste Contributors.

1) First *De Minimis* Settlement and the Original Volumetric Ranking Summaries

To aid its assessment of the First *De Minimis* AOC and other settlements, EPA compiled a Volumetric Ranking Summary ("Original VRS") using documents obtained by EPA from Chemclene. These documents, which include invoices, receipts, purchase orders, manifests, and a number of other related documents, refer to transactions dating from 1968 to 1992 between Chemclene and its customers.

a) Waste in to the Site

In preparing the original VRS, EPA and its contractors examined the Site documents to determine which transactions indicated the shipment of waste to Chemclene and the volume of those shipments. Based upon its understanding of Chemclene's operations, EPA assumed that any unit of waste shipped to the Site was just as likely to have become a contaminant in the environment as any other unit of waste.

b) Time Period Summarized

EPA and its contractors reviewed and summarized Site documents that referred to the 1968 to 1992 time period. EPA is aware that Chemclene's operations at the Site commenced in approximately 1952. However, since EPA does not have information relating to the 1952 to 1968 time period of Chemclene operations, EPA has made no assumptions regarding waste transactions during that time period. Available information indicates that Chemclene withdrew its Part B application submitted pursuant to RCRA, to operate as a treatment and storage facility, and stopped accepting waste solvent for reclamation in July 1992.

c) Main Plant Area and Former Disposal Area.

Chemclene utilized both the MPA and FDA as part of Chemclene's operations. At all times during its operation, until approximately July 1992, Chemclene utilized the MPA to receive, accumulate, store, and process wastes, including hazardous substances. Wastes, including hazardous substances, were released and disposed of at the MPA as a result of Chemclene's operations. Chemclene also disposed of wastes, including hazardous substances, at the FDA. Chemclene claims that disposal at the FDA ceased when new management took over the business in approximately August 1975, at which point Chemclene discontinued use of the FDA and disposed of waste generated from the reclamation process off-Site.

EPA calculated costs and monetary liability separately for the MPA and FDA. When

preparing the Original VRS, EPA counted all waste transactions between Chemclene and PRPs during the 1968 to August 1975 time period as waste into both the MPA and the FDA. EPA counted waste transactions between Chemclene and PRPs after August 1, 1975, only as waste into the MPA. Each PRP's eligibility for *De Minimis* status was determined using the percentage of the total waste sent to the Site by the PRP, since all waste into the Site was received and processed by Chemclene at the MPA.

d) Units of Measurement

To the extent applicable, EPA prepared the Original VRS in accordance with OSWER Directive 9835.16, Guidance to Preparing and releasing Waste-In Lists and Volumetric rankings to PRPs Under CERCLA, dated February 22, 1991. The most common unit of shipment was the 55-gallon drum, and therefore, to the extent appropriate, all other units found in the documentation were converted to 55-gallon drum units. In comparatively few instances, shipments of waste were listed in units of weight or other units. In these instances EPA used conversion assumptions consistent with OSWER Directive 9835.16.

e) Brokers/Transporters

EPA identified a number of PRPs that appear to have acted as brokers and/or transporters with whom it appears Chemclene dealt directly. Consistent with OSWER Directive 9835.16, whenever a Site record reflected a transaction in which both a generator PRP and a broker/transporter PRP are expressly identified, EPA attributed the waste volume referred to in each such transaction to both the generator and the broker/transporter for purposes of compiling waste-in information contained in the Original VRS. However, EPA counted the total waste referred to in these transactions only once for purposes of determining total waste contributed to the Site by all PRPs. In cases where a third-party generator was not identified, the party named on the invoice or other documentation was treated as a generator for that transaction.

2) The Current (Second) *De minimis* Settlement and the New Volumetric Ranking Summary

In preparation of the Second Round *De Minimis* AOC, EPA created a New Volumetric Ranking Summary ("New VRS"). The New VRS was created using the methodology of the Original VRS, but only contains the waste-in and volume information for the *De Minimis* PRPs to whom settlement was offered. For purposes of the New VRS, no distinction was made between generators and broker/transporters; rather, the New VRS reflects the total volume of waste contributed by each eligible PRP to the FDA and MPA areas.

a) Eligibility to participate in the Second *De minimis* AOC

In April 2001, EPA learned that the Chemclene Site Defense Group ("CSDG"), had contacted approximately 130 parties demanding payment of contribution towards the cost of

remediating the Site. In addition to seeking from non-settling *De Minimis* PRPs a per drum payment, the CSDG also sought payment by each PRP of a \$25,000 administrative fee. A number of the parties contacted by the CSDG were *de minimis* parties who had not accepted the First Round *De Minimis* AOC offer or who had not received the first offer. EPA was contacted by representatives of ten of the *de minimis* parties² targeted by the CSDG shortly after the demand was made. The parties sought protection from EPA with regard to potential contribution claims and requested that the parties be permitted to enter into a *de minimis* settlement with EPA. The PRPs seeking this protection included parties that had not received the First Round *De Minimis* AOC offer and parties that had believed that they had participated in the First Round *De Minimis* AOC but later found that they, in fact, had not. EPA made the decision at that time to extend a Second Round *De Minimis* AOC offer to the ten parties that had reached out to EPA for assistance, regardless of whether any of the parties had had the opportunity to participate in the first settlement. Of the ten parties that were extended the Second Round *De Minimis* AOC offer, nine actually agreed to participate in the proposed settlement.³

Subsequent to EPA's decision to issue a second *de minimis* offer to the ten parties, EPA was contacted by other *de minimis* parties that had been contacted by the CSDG. Based on this additional interest, EPA may consider extending additional *de minimis* offers to other *de minimis* parties.

b) *De minimis* Cutoff:

In the First Round *De Minimis* AOC, EPA established a cut-off for *de minimis* settlement eligibility using a percentage of the total waste set to the Site by the PRP. As in that settlement, a PRP was able to participate in the Second Round *De Minimis* AOC if its volumetric contribution of hazardous substances to the Site was less than 0.75% of the total volume attributed to the MPA. Pre-August 1975 percentages that have been assigned for the FDA were not been considered by EPA when establishing the Second Round *De Minimis* AOC eligibility cutoff; however, such percentages were considered in determining the amount of money each proposed Second Round *De Minimis* Settlor will pay pursuant to the Second Round *De Minimis* AOC.

c) Second Round *De minimis* AOC Payment Calculation/Premium

The New VRS includes *de minimis* settlement payment information for each PRP eligible for the Second Round *De Minimis* AOC. EPA allocated the estimated costs of the selected remedy, as defined in the September 26, 1997 Record of Decision, between the MPA and the

² BAE Systems Aerospace Electronics, Inc. (American Electronics Laboratories, Inc.), Boekel Industries, Inc. (Boekel Scientific), AVX Corporation (Elco Corporation), Irvins Tinware Company (Ervin's Crafts), Danaher Corporation (K-D Tool Manufacturing), Maida Development Company, McHugh Railroad Maintenance Equipment, Inc., Photofabrication Chemical and Equipment Company, R & E Martin, and Technitrol, Inc.

³ The tenth party, Technitrol, Inc., did not agree to the terms of the offer, and is not a proposed Second Round *De Minimis* Settlor.

FDA. In addition, EPA split the total past costs at the Site, as of October 3, 2000, equally between the two areas. The Second Round *De Minimis* AOC payment amount for each eligible PRP was determined based upon its contribution of waste to the FDA and to the MPA⁴.

As of October 3, 2000, EPA incurred approximately \$4,776,948.97 in response costs ("Past Response Costs") at or in connection with the Site. Since EPA incurred the Past Response Costs as a result of activities that pertained to both the FDA and MPA, EPA has attributed one-half (\$2,388,474.49) of the Past Response Costs to FDA costs and the other one-half (\$2,388,474.49) to MPA costs. EPA has estimated future Site costs associated with the cleanup and EPA oversight of the Site to be approximately \$15,729,151.00 (\$15,529,151.00 in remedial costs and \$200,000 in EPA remedial oversight). Of that amount, approximately \$8,155,725.00 has been attributed by EPA to cleanup of the FDA (\$8,055,426 in remedial costs; \$100,000 in EPA remedial oversight). Future costs associated with cleanup and EPA oversight of the MPA are approximately \$7,573,426.00 (\$7,473,426.00 in remedial costs; \$100,000 in EPA remedial oversight).

The payment amount for each eligible PRP also includes a premium of 50% and a remedy cost reopener. An additional 10% was added to the presumptive premium level described in the *De minimis* Premium Guidance for those parties that had previously been offered but did not participate in the First Round *De Minimis* AOC. The additional premium was intended to mitigate any financial gain the parties might have gained by not participating in the first settlement.

Each Second Round *De Minimis* Settlor agreed that, in the event that total response costs at the Site exceed \$25 million, the settling PRP will remain liable for those excess costs.

The applied premium, when applied in conjunction with the \$25 million remedy cost reopener, was determined to be sufficient to cover the risk associated with the current uncertainty about the estimates of future costs and the possibility that EPA will be unable to recover 100% of its costs from other parties.

d) Toxicity

EPA guidance concerning the toxicity and other hazardous effects of the proposed Second Round *De Minimis* Settlor's wastes states that a proposed Second Round *De Minimis* Settlor's waste must be "minimal in comparison to other hazardous substances at the Site and must not be significantly more toxic and not of significantly greater hazardous effect than other hazardous substances" at the Site.⁵ The primary hazardous substance sent to the Site by the proposed Second Round *De Minimis* AOC Settlor and other parties were volatile organic compounds

⁴ For additional discussion of the payment calculation for the Second Round *De Minimis* AOC, please refer to the attached Explanation Sheet for the Second Round *De Minimis* Settlement – Volumetric Ranking Summaries and the New VRS.

⁵ See Interim *De Minimis* Settlement Guidance; p.8; *De Minimis* Methodologies, p.3

("VOCs") comprised mostly of chlorinated aliphatic hydrocarbons ("CAHs") including: 1,2-dichloroethane (1,2-DCA), total 1,2-dichloroethene (total 1,2-DCE), MEC, PCE, 1,1,1-TCA, TCE, and 1,1-dichloroethene (1,1-DCE).

e) Volume

Each of the Second Round *De Minimis* AOC Settlers individually contributed less than .062% of the total wastes attributed to the Site, an amount minimal in comparison to the contribution of other PRPs.

B. The Settlement Involves only a minor portion of the Site response costs.

The Second Round *De Minimis* AOC Settlers have agreed to pay \$645,749.00 of the \$20,506,099.97 past and estimated future response costs.

C. The Settlement is Practicable and in the Public Interest

Whether a proposed *de minimis* settlement is practicable and in the public interest turns on several interrelated issues, including the size of the premium being paid by the settlers, the extent of the reopeners/liability release proposed by the government, and the effect of settlement on resolution of the remainder of the government's claims in settlement or litigation.⁶

The proposed Second Round *De Minimis* AOC payment of each settlor includes the settlor's base payment which is derived by multiplying each settlor's percentage contribution of the total waste attributable to the Site by the total estimated past and future costs. In addition, the settlers are paying a premium on these base payments. All nine settlers are paying a 60% premium and will remain subject to a remedy cost reopener if the remedy costs exceed \$25 million.

The proposed settlement will also help to fund the cleanup at the Site and provide equitable relief for smaller waste contributors.

⁶ See *De minimis* Methodologies, p.3-4.

ATTACHMENT 1

Second Round *De Minimis* AOC Settlers

**BAE Systems Aerospace Electronics, Inc.
for American Electronics Laboratory**

**Boekel Industries, Inc.
for Boekel Scientific**

**Irvin's Tinware Company
for Ervins Crafts**

**AVX Corporation
for Elco Corporation**

**Danaher Corporation
for K-D Tool Manufacturing**

Maida Development Company

McHugh Railroad Maintenance Equipment, Inc.

Photofabrication Chemical and Equipment Company

R & E Martin



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SEP 24 2001

John Cruden
Acting Assistant Attorney General
United States Department of Justice
Environment and Natural Resources Division
1425 New York Avenue, N.W.
Washington, D.C. 20005

Re: Proposed *De Minimis* Settlement - Malvern TCE Superfund Site

Dear Mr. Cruden:

Enclosed for your review are the following documents for a proposed Administrative Order on Consent for *De Minimis* Settlement, Docket No. CERCLA-03-2001-0381 ("Proposed *De Minimis* AOC") relating to the Malvern TCE Superfund Site ("Site"):

1. The Proposed *De Minimis* AOC;
2. Settlement Decision Analysis under EPA's "Interim CERCLA Settlement Policy";
3. Draft Federal Register Notice of Proposed Administrative Settlement; and
4. Explanatory Memorandum on the Proposed *De Minimis* AOC.

The proposed settlement, if approved, will be the second *de minimis* settlement the Environmental Protection Agency ("EPA") has entered into in connection with the Malvern TCE Superfund Site ("Site"). Effective September 28, 1999, EPA entered into a *de minimis* settlement, memorialized in Administrative Order on Consent for *De Minimis* Settlement, Docket No. III-98-074-DC ("First Round *De Minimis* AOC"), with approximately 168 *de minimis* parties relating to the Site.

EPA and nine (9) proposed *de minimis* parties have signed an AOC to settle EPA's proposed claim pursuant to Section 122(g) of CERCLA, 42 U.S.C. § 9622(g), which allows the United States to reach final settlement in an administrative or civil action under Section 107 of CERCLA, 42 U.S.C. § 9607. Each *de minimis* party will pay to the EPA its proportionate share of the total past and estimated future costs and a premium based on EPA's volumetric analysis as set forth in the New Volumetric Ranking Summary for the Proposed *De Minimis* AOC ("New VRS"), dated 5/29/01, and as described in the Settlement Decision Analysis. Collectively, the nine proposed *de minimis* parties will pay \$645,749 in settlement.

EPA requests that DOJ review the enclosed draft Federal Register Notice and approve the proposed AOC pursuant to Section 122(g)(4) of CERCLA, 42 U.S.C. § 9622(g)(4).

The Explanation of Proposed *De Minimis* AOC Memorandum is an explanation of the methodology by which the Region III program and legal offices calculated the *de minimis* formula and determined which PRPs were entitled to *de minimis* treatment. I have formally concurred on this memorandum.

A brief summary of the Proposed *De Minimis* AOC is as follows:

A. Nature of the Case: This is a proposed Administrative Order on Consent for a *de minimis* settlement pursuant to Section 122(g) of CERCLA, 42 U.S.C. § 9622(g).

B. Proposed Settlers: See Attachment 1.

C. Proposed Relief: The proposed settlement includes payment of \$645,749 by the proposed *de minimis* parties. Each *de minimis* party will pay to the EPA its proportionate share of the total past and estimated future costs and a premium based on EPA's volumetric analysis described in the Settlement Decision Analysis. This figure includes the following components: (1) Each *de minimis* party's proportionate share of the estimated unrecovered past and future costs of \$20,506,099.97; (2) Each *de minimis* party's proportionate share of either a 50% or a 60% premium on the estimated future costs associated with the Site; (3) An additional cost reopener in the event that the cost of remedial action at the Site exceeds \$25 million. The premium assigned to each PRP is based on several factors further discussed in the enclosed Explanation for Proposed *De Minimis* Settlement.

D. Regional Contact Persons:

Legal:

Joan A. Johnson
Assistant Regional Counsel
(215) 814-2619

Technical:

Charlie Root
Remedial Project Manager
(215) 814-3195

I would like to extend my thanks to Robert LeFevre and William Hutchins of your staff for their continued involvement in this matter. Please contact Ms. Johnson of the Regional staff at the above-listed telephone number if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Voltaggio', with a large, sweeping flourish extending to the right.

Thomas C. Voltaggio
Acting Regional Administrator

Enclosures

cc: Sylvia Lowrance
Acting Assistant Administrator for the Office of Enforcement and
Compliance Assurance

IN THE MATTER OF:

**Malvern TCE Superfund Site
258 N. Phoenixville Pike
Malvern, Pennsylvania**

**Proceeding under Section 122(g)(4)
of the Comprehensive Environmental
Response, Compensation, and
Liability Act of 1980, as amended,
42 U.S.C. § 9622(g)(4)**

**U.S. EPA Docket No.
CERCLA-03-2001-0381**

**ADMINISTRATIVE ORDER
ON CONSENT FOR DE MINIMIS
SETTLEMENT**

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IN THE MATTER OF:

Malvern TCE Superfund Site
 258 N. Phoenixville Pike
 Malvern, Pennsylvania

U.S. EPA Docket No.
 CERCLA-03-2001-0381

Proceeding under Section 122(g)(4)
 of the Comprehensive Environmental
 Response, Compensation, and
 Liability Act of 1980, as amended,
 42 U.S.C. § 9622(g)(4)

ADMINISTRATIVE ORDER
 ON CONSENT FOR DE MINIMIS
 SETTLEMENT

I. JURISDICTION

- A. This Administrative Order on Consent ("Consent Order" or "Order") is issued pursuant to the authority vested in the President of the United States by Section 122(g)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9622(g)(4), to reach settlements in actions under Section 106 or 107 of CERCLA, 42 U.S.C. § 9606 or 9607. The authority vested in the President has been delegated to the Administrator of the United States Environmental Protection Agency ("EPA") by Executive Order 12580, 52 Fed. Reg. 2923 (Jan. 29, 1987), and further delegated to the Regional Administrators of the EPA by EPA Delegation No. 14-14-E (September 13, 1987).
- B. This Consent Order represents the second Administrative Order On Consent for De Minimis Settlement entered into by and between EPA and de minimis potentially responsible parties ("PRPs") for the Malvern TCE Superfund Site. The first Administrative Order on Consent for De Minimis Settlement ("De Minimis AOC I"), Docket No. III-98-074-DC, by and between EPA and certain De Minimis PRPs ("De Minimis Respondents I") became effective on or about September 28, 1999.
- C. This Consent Order is entered into voluntarily by and between EPA and each of the de minimis potentially responsible parties listed in Appendix "A" who have executed the attached signature pages ("De Minimis Respondents II" or "Respondents II"). Each De Minimis Respondent II agrees to undertake all actions required by the terms and conditions of this Order. Each De Minimis Respondent II consents to and will not contest EPA's jurisdiction to issue this Order or to implement or enforce its terms.

- D. The De Minimis Respondents II agree and submit that the United States District Court for the Eastern District of Pennsylvania has jurisdiction over this Consent Order for the purposes of any subsequent proceedings for implementation or enforcement of this Order because a release or threatened release of hazardous substances has occurred at the Malvern TCE Superfund Site ("Site") in Malvern, Chester County, Pennsylvania, as hereinafter defined, which is located in such judicial district.
- E. This Consent Order was agreed to and executed by EPA and the De Minimis Respondents II in good faith to avoid the expense and delay of litigation over the matters addressed by this Consent Order.
- F. EPA and the De Minimis Respondents II agree that this Consent Order is entered into without any admission of liability for any purpose as to any matter arising out of the transactions or occurrences alleged in the Order. The participation of the De Minimis Respondents II in this Order shall not be considered an admission of liability and shall not be admissible in evidence against the De Minimis Respondents II in any judicial or administrative proceeding other than proceedings to implement or enforce this Order or a judgement relating to it.

II. STATEMENT OF PURPOSE

1. By entering into this Consent Order, the mutual objectives of the Parties are:
- a. to reach a final settlement among the Parties with respect to the Site pursuant to Section 122(g) of CERCLA, 42 U.S.C. § 9622(g), that allows the De Minimis Respondents II to make a cash payment, including a premium, to resolve their alleged civil liability under Sections 106 and 107 of CERCLA, 42 U.S.C. §§ 9606 and 9607, for injunctive relief with regard to the Site and for response costs incurred and to be incurred at or in connection with the Site, thereby reducing litigation relating to the Site, subject to a reopener specified in Paragraph 28 below;
 - b. to simplify the remaining enforcement activities concerning the Site by reducing to the extent possible the number of parties involved in the Site;
 - c. to reimburse the Hazardous Substances Superfund for a portion of the response costs incurred or to be incurred in connection with the Site without waiving the United States' assertion of joint and several liability against parties other than the De Minimis Respondents II.

III. PARTIES BOUND

2. This Consent Order shall apply to and be binding upon EPA, and upon the De Minimis Respondents II, and their successors and assigns. Each signatory to this Consent Order represents that he or she is fully authorized to enter into the terms and conditions of this Consent Order and to execute and bind legally the Party represented by him or her. Any change in ownership or corporate status of any De Minimis Respondent II, including, but not limited to, any transfer of assets or real or personal property, shall in no way alter such De Minimis Respondent II's responsibilities under this Consent Order.

IV. DEFINITIONS

3. Unless otherwise expressly provided herein, terms used in this Consent Order that are defined in CERCLA or in regulations promulgated under CERCLA shall have the meaning assigned to them in the statute or regulations. Whenever the terms listed below are used in this Consent Order, the following definitions shall apply:
 - a. "AOC I" or "De Minimis AOC I" shall mean the Administrative Order on Consent, Docket No. III-98-074-DC, by and between EPA and certain De Minimis PRPs ("De Minimis Respondents I") that became effective on or about September 28, 1999, in connection with the Site.
 - b. "CERCLA" shall mean the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, et seq.
 - c. "Consent Order" or "Order" shall mean this Administrative Order on Consent and all appendices attached hereto. In the event of conflict between this Order and any appendix, the Order shall control.
 - d. "Day" shall mean a calendar day unless expressly stated to be a working day. "Working day" shall mean a day other than a Saturday, Sunday, or Federal holiday. In computing any period of time under this Consent Order, where the last day would fall on a Saturday, Sunday, or Federal holiday, the period shall run until the close of business of the next working day.
 - e. "De Minimis PRPs" shall mean all potentially responsible parties identified by EPA for the Site eligible to participate in a de minimis settlement, as listed in the Volumetric Ranking Summaries attached as Exhibit "C," and/or the New Volumetric Ranking Summary for the Second De Minimis Settlement attached as Exhibit "D."

- f. "EPA" shall mean the United States Environmental Protection Agency and any successor departments, agencies or instrumentalities.
- g. "EPA Hazardous Substance Superfund" shall mean the Hazardous Substance Superfund established by the Internal Revenue Code, 26 U.S.C. § 9507.
- h. "Future Response Costs" shall mean all Response Costs, including but not limited to direct and indirect costs, and recoverable costs of oversight of removal or remedial actions, that may be incurred by EPA in connection with the Site, after October 3, 2000, plus Interest on all such costs.
- i. "Hazardous Substance" shall have the meaning provided in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).
- j. "Interest" shall mean interest at the current rate specified for interest on investments of the EPA Hazardous Substance Superfund established by 26 U.S.C. § 9507, compounded annually on October 1 of each year, in accordance with 42 U.S.C. § 9607(a).
- k. "National Contingency Plan" or "NCP" shall mean the National Oil and Hazardous Substances Pollution Contingency Plan promulgated pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, as set forth at 55 Fed. Reg. 8,666 (March 8, 1990), and codified at 40 C.F.R. Part 300, including any amendments thereto.
- l. "Natural Resources" shall have the meaning provided in Section 101(16) of CERCLA, 42 U.S.C. § 9601(16).
- m. "New Volumetric Ranking Summary for the Second De Minimis Settlement" or "New VRS" shall mean the list prepared by EPA and attached hereto as Exhibit "D," which sets forth each De Minimis Respondent II's total payment amount. The New VRS differs from the Volumetric Ranking Summaries dated 11/30/98 and attached hereto as Appendix "C" only in the cost numbers used by EPA to calculate each De Minimis Respondent II's payment amount. The New VRS and the 11/30/98 Volumetric Ranking Summaries do not differ in terms of methodology or volumetric information.
- n. "Paragraph" shall mean a portion of this Consent Order identified by an arabic numeral or an upper case letter.

- o. "Parties" shall mean EPA and the De Minimis Respondents II.
- p. "Past Response Costs" shall mean all Response Costs, including but not limited to, direct and indirect costs that EPA has paid at or in connection with the Site through October 3, 2000, plus Interest on all such costs which has accrued pursuant to 42 U.S.C. § 9607(a) through such date.
- q. "Remedial Costs" shall mean all response costs incurred in implementing the remedial action called for in the Record of Decision ("ROD") dated November 26, 1997, and/or any Explanation for Significant Differences ("ESD") and/or any amendment to that ROD, and/or any new ROD issued in place of that ROD.
- r. "Respondents II" or "De Minimis Respondents II" shall mean those persons, corporations, or other entities listed in Appendix "A," and successors and assigns of such persons, corporations, or other entities, that are signatories to this Consent Order.
- s. "Response Costs" shall mean all costs of "response" as that term is defined by Section 101(25) of CERCLA, 42 U.S.C. § 9601(25) incurred with respect to the Malvern TCE Site.
- t. "Section" shall mean a portion of this Consent Order identified by a roman numeral.
- u. "Site" shall mean the Malvern TCE Superfund Site, including areas defined in 40 C.F.R. § 300.400(e), located at and around 258 N. Phoenixville Pike in Malvern, Chester County, Pennsylvania and depicted more clearly on the map attached as Appendix "B."
- v. "United States" shall mean the United States of America, including its departments, agencies and instrumentalities.
- w. "Volumetric Ranking Summaries" shall mean those lists prepared by EPA in connection with the first de minimis settlement offered by EPA for the Site and resulting in AOC I. The Volumetric Ranking Summaries set forth each De Minimis PRP's volumetric shares and settlement amounts to be paid in order to participate in the De Minimis AOC I. These summaries are attached as Appendix "C."

V. EPA'S STATEMENT OF FACTS

4. The Site is located at and around 258 N. Phoenixville Pike, Malvern, East Whiteland Township, Chester County, Pennsylvania. A Transcontinental Gas Pipeline Co. natural gas pipeline right-of-way extends along the southern boundary of the Site, with residential areas and areas with natural forestation and vegetation bordering the property to the west, north and east. The approximate area of the Site is identified on the map attached as Appendix "B."
5. The Site includes, but is not limited to, a parcel of approximately 5-acres at which Chemclene Corporation ("Chemclene"), from 1952 until 1992, among other things, sold and reclaimed industrial cleaning solvents including trichloroethene ("TCE"), 1,1,1,-trichloroethane, perchloroethylene, and methylene chloride. These solvents were used by local industries for degreasing metal parts and other cleaning purposes. Chemclene used a distillation process to remove impurities from the chlorinated solvents. The distilled solvents were then returned to customers for reuse. The end products of processing waste solvents are the reclaimed solvents and chlorinated still bottoms. The chlorinated waste solvents are listed hazardous wastes pursuant to the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6901 et seq., and, therefore, the resulting still bottoms are listed hazardous waste. Wastes shipped to Chemclene were stored, processed, disposed, and bulk accumulated at the Site for eventual transfer to other locations, and a small amount was directly transshipped to other locations.
6. Chemclene utilized two areas of the Site, the Main Plant Area ("MPA") and the Former Disposal Area ("FDA"), as part of its business operations. Chemclene utilized the MPA to receive, accumulate, store, and process wastes, including hazardous substances. Wastes, including hazardous substances, also were released and disposed of at the MPA as a result of Chemclene's operations. Chemclene disposed of wastes, including hazardous substances, at the FDA.
7. In the spring of 1980, TCE was detected in groundwater from several wells in the vicinity of the Chemclene facility. Private domestic wells and on-Site monitoring wells were sampled by Pennsylvania's Department of Environmental Resources and Chemclene in June 1980 and July 1981. Analytical results of this sampling revealed contamination of the underlying aquifer with chlorinated ethenes and related compounds.

8. Pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, EPA proposed the Site for listing on the National Priorities List ("NPL"), set forth at 40 C.F.R. Part 300, Appendix "B," by publication in the Federal Register. Final listing on the NPL as the Malvern TCE Superfund Site was in September 1983.
9. Hazardous substances have been or are threatened to be released at or from the Site, including, but not limited to, at or from the MPA and FDA at the Site.
10. Between 1981 and 1986, Chemclene commenced certain activities, including installation of filters on contaminated home wells located within a residential development south of the Chemclene property, FDA debris and drum removal and limited soil excavation, and removal of underground storage tanks and soil sampling at the MPA, to address EPA concerns of contamination at the Site. In 1987, Chemclene entered into a Corrective Action Order pursuant to RCRA (Docket No. RCRA-III-010-CA) with EPA. Chemclene did not complete a RCRA Facilities Investigation of the Site or implement corrective measures at the Site, as required by the RCRA Order.
11. As a result of the release or threatened release of hazardous substances, EPA has undertaken response actions at or in connection with the Site under Section 104 of CERCLA, 42 U.S.C. § 9604, and will undertake response actions in the future. Among other things, EPA:
 - a. assumed control of maintenance activities of filter units that had been installed on contaminated residential wells located south of the Site and of periodic sampling of residential wells;
 - b. upgraded residential well filter systems in response to analytical results from well samples that showed contamination was passing through the existing filters into the homes;
 - c. conducted and completed in January 1997 a Remedial Investigation of the Site;
 - d. completed a Feasibility Study of the Site in June 1997; and
 - e. issued a Record of Decision in November 1997 pursuant to which EPA selected a remedy to be implemented at the Site.
12. In performing these response actions, EPA has incurred and will continue to incur response costs. As of October 3, 2000, EPA had incurred \$4,776,948.97 in Past Response Costs. EPA may incur Future Response Costs at the Site.

13. EPA has reviewed records describing the transactions of PRPs, including the De Minimis PRPs, in relation to the Site. These records include information describing the amount and nature of waste contributed to the Site. Based upon that review, EPA has determined that each De Minimis PRP, including each De Minimis Respondent II listed in Appendix "A," arranged for disposal or treatment, or arranged with a transporter for disposal or treatment, of a hazardous substance owned or possessed by such De Minimis Respondent II, at the Site, or accepted a hazardous substance for transport to the Site.
14. Information currently known to EPA indicates that each De Minimis PRP, including each De Minimis Respondent II listed in Appendix "A," contributed between 1.6 drums and 0.75% of the total waste sent to the Site, and that the toxic or other hazardous effects of the hazardous substances contributed by each De Minimis PRP, including each De Minimis Respondent II, to the Site are not significantly more toxic than the other hazardous substances at the Site. The Volumetric Ranking Summaries ("VRS") (Appendix "C") and New Volumetric Ranking Summary for the Second De Minimis Settlement ("New VRS") (Appendix "D") prepared for the Site list, among other things, the estimated volume of waste contributed to the Site by each De Minimis PRP, including each De Minimis Respondent II, and the percentage of waste contributed to the Site by each Respondent in relation to the total estimated volume of waste sent to the Site during the 1968 to 1992 time period. The volumes and percentage shares presented in the VRS and New VRS represent EPA's best estimates and are based on all information currently in EPA's possession.
15. EPA has estimated that the total response costs incurred and to be incurred at or in connection with the Site by the EPA Hazardous Substance Superfund and by private parties is \$20,506,099.97. This amount includes \$4,776,948.97 in response costs incurred by EPA through October 3, 2000, and Future Response Costs in the amount of \$15,729,151.00 (estimated future Site remedial costs in the amount of \$15,529,151.00, and EPA future remedial oversight costs estimated to be \$200,000.00). EPA has received certain information that indicates these estimated remedial costs could be revised.
16. The total payment required to be made by each De Minimis Respondent II pursuant to this Consent Order is set forth in the New Volumetric Ranking Summary for the Second De Minimis Settlement, attached as Appendix "D." The total payment to be made by each De Minimis Respondent II represents a minor portion of this total response costs incurred and to be incurred at or in connection with the Site, as referenced in Paragraph 15 of this Consent Order.

17. EPA has identified PRPs other than De Minimis Respondents II, who owned or operated the Site, or who arranged for disposal or treatment, or arranged with a transporter for disposal or treatment, at the Site, of a hazardous substance owned or possessed by such persons.

VI. DETERMINATIONS

18. Based upon the Statement of Facts set forth above and on the administrative record for this Site, EPA has determined that:
- a. the Site is a "facility" as that term is defined in Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).
 - b. each De Minimis Respondent II is a "person" as that term is defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).
 - c. each De Minimis Respondent II is liable within the meaning of Sections 107(a) and 122(g)(1) of CERCLA, 42 U.S.C. §§ 9607(a) and 9622(g)(1).
 - d. the materials shipped to the Site by the De Minimis Respondents II include "hazardous substances" within the meaning of Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).
 - e. the past, present or future migration of hazardous substances from the Site constitutes an actual or threatened "release" as that term is defined in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).
 - f. the Past Response Costs incurred and Future Response Costs to be incurred in connection with the Site are removal and remedial response costs within the meaning of Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).
 - g. prompt settlement with each De Minimis Respondent II is practicable and in the public interest within the meaning of Section 122(g)(1) of CERCLA, 42 U.S.C. § 9622(g)(1).
 - h. as to each De Minimis Respondent II, this Consent Order involves only a minor portion of the response costs at the Site within the meaning of Section 122(g)(1) of CERCLA, 42 U.S.C. § 9622(g)(1).
 - i. each De Minimis Respondent II is eligible for a de minimis settlement pursuant to Section 122(g)(1)(A) of CERCLA, 42 U.S.C. § 9622(g)(1)(A),

since both the amount and the toxicity or other hazardous effects of the hazardous substances contributed to the Site by each De Minimis Respondent II is minimal in comparison to other hazardous substances at the Site.

VII. ORDER

19. Based on the foregoing Statement of Facts and Determinations by EPA, in order to reach an expedited de minimis settlement in connection with the Site, in consideration of, and in exchange for, the promises, mutual undertakings, and covenants set forth herein, and intending to be legally bound hereby, EPA and the De Minimis Respondents II agree, and EPA hereby Orders, that the De Minimis Respondents II shall pay their cost share as set forth below:
 - a. Within thirty (30) days of the effective date of this Order, each De Minimis Respondent II shall pay its volumetric share of the cost basis of \$20,506,099.97 (\$4,776,948.97 in Past Response Costs; and \$15,729,151.00 in Future Response Costs, which include EPA future remedial oversight costs in the amount of \$200,000.00). The amount to be paid by each settling De Minimis Respondent II is set forth under the Total Payment Column included in the New Volumetric Ranking Summary for the Second De Minimis Settlement, attached as Appendix "D."
 - b. The de minimis settlement payment required of each De Minimis Respondent II, as referred to in Paragraph 19.a. of this Order, also includes a settlement premium. This premium is designed to cover risks and uncertainties associated with this settlement, including but not limited to, the risk that total response costs incurred or to be incurred at or in connection with the Site by the EPA Hazardous Substance Superfund, or by any private party incurring Remedial Costs, will exceed the estimated total response costs, upon which Respondent's payments are based. However, the premium is not designed to cover the risk that Remedial Costs will exceed \$25 million, and consequently, the Covenant Not to Sue is subject to the Reservation of Rights in Paragraph 28.
 - c. De Minimis Respondents II, Maida Development Corporation and McHugh Railroad Maintenance Equipment Company, as identified in Appendix "D," were previously offered by EPA an opportunity to participate in AOC I, but did not participate in that settlement.

- d. De Minimis Respondents II, American Electronics Laboratories, Boekel Scientific Industries, Inc., Elco Corporation, Ervins Crafts, Photofabrication Chemical and Equipment Company, and R & E Martin, previously were offered by EPA an opportunity to participate in AOC I; however, EPA's records do not reflect that this occurred.

VIII. PAYMENT

20. Payments by De Minimis Respondents II shall be made as follows:

- a. Within thirty (30) days of the effective date of this Consent Order, each De Minimis Respondent II shall pay the amount listed for the De Minimis Respondent II in the New Volumetric Ranking Summary for the Second De Minimis Settlement, attached as Appendix "D" to this Consent Order and as specified in Section VII (Order), above.
- b. Any De Minimis Respondent II may make payment in two equal installments, the first due and payable within thirty (30) days of the effective date of this Consent Order, and the second due and payable within one year of the effective date of the Consent Order.
- c. Each payment shall be made by certified or cashier's check made payable to "EPA Hazardous Substance Superfund." Each check shall reference the name and address of the party making payment, the Site name, the EPA Region and Site Spill ID Number 03-91, and the EPA Docket Number for this action, and shall be sent to:

EPA Superfund
U.S. EPA/Region III
Attention: Superfund Accounting
P.O. Box 360515
Pittsburgh, PA 15251-6515

- d. At the time of payment, each De Minimis Respondent II shall send notice that such payment has been made to:

Charlie Root (3HS21)
Remedial Project Manager
United States Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

21. EPA shall deposit any de minimis settlement proceeds received into a Malvern TCE Superfund Site special account within the EPA Hazardous Substance Superfund. The proceeds can be retained and used by EPA, or by a party designated by EPA, to conduct or finance response action at or in connection with the Site and/or, at EPA's discretion, can be transferred to the EPA Hazardous Substance Superfund as reimbursement for response costs incurred at or in connection with the Site by the EPA Hazardous Substance Superfund. Any amounts remaining in a Malvern TCE Superfund Site special account shall be transferred by EPA to the EPA Hazardous Substance Superfund.
22. Any amounts due and owing by a De Minimis Respondent II pursuant to the terms of this Consent Order but not paid in accordance with the terms of this Consent Order shall accrue Interest, as defined in Paragraph 3.j. of this Consent Order, which shall be assessed to such De Minimis Respondent II.

IX. FAILURE TO MAKE PAYMENT

23. If any De Minimis Respondent II fails to make any payment under the terms of this Consent Order within thirty (30) days of the payment becoming due, this Consent Order shall be terminated and the Covenant Not to Sue set forth in Section XI, Paragraph 27, shall become null and void as to that De Minimis Respondent II.
24. Nothing in this Consent Order shall be construed as prohibiting, altering, or in any way limiting the ability of the United States to seek any other remedies or sanctions available by virtue of a Respondent's violation of this Order or of the statutes and regulations upon which it is based, including, but not limited to, penalties pursuant to Section 122(l) of CERCLA, 42 U.S.C. § 9622(l).

X. CERTIFICATION OF RESPONDENTS

25. By signing this Consent Order, each De Minimis Respondent II certifies, individually, that, to the best of its knowledge and belief, it has:
- a. conducted a thorough, comprehensive, good faith search for documents, and that to the best of its knowledge and belief, such De Minimis Respondent II has no information which would result in a material change of the information set forth in the VRS and New VRS. For purposes of this provision, a material change of the information set forth in the VRS and New VRS would occur if any PRP's Main Plant Area Percentage or Former Disposal Area Percentage listed in the VRS and New VRS

changes by more than ten percent (10%). A material change of the information set forth in the VRS and New VRS also would include any information that results in an increase in the MPA% for any PRP identified in the VRS and New VRS to greater than 0.75%;

- b. not altered, mutilated, discarded, destroyed or otherwise disposed of any records, documents, or other information relating to its potential liability regarding the Site after notification of potential liability or the filing of a suit against it regarding the Site; and
 - c. fully complied with any and all EPA requests for information regarding the Site pursuant to Sections 104(e) and 122(e) of CERCLA, 42 U.S.C. §§ 9604(e) and 9622(e) and Section 3007 of RCRA, 42 U.S.C. § 6927.
26. If this certification is subsequently determined to be false, such De Minimis Respondent II shall forfeit all payments made pursuant to Section VIII of this Consent Order. Such forfeiture shall not constitute liquidated damages and shall not in any way foreclose the United States' right to pursue any other causes of action arising from such De Minimis Respondent II's false certification. Providing false, fictitious, or fraudulent statements or representations to the United States is punishable as a crime under 18 U.S.C. § 1001.

XI. COVENANT NOT TO SUE BY UNITED STATES

27. In consideration of the payments that will be made by the De Minimis Respondents II under the terms of this Consent Order, and except as specifically provided in Section XII (Reservations of Rights by United States), the United States covenants not to sue or take administrative action against any of the De Minimis Respondents II for civil liability for reimbursement of Response Costs or for injunctive relief pursuant to Sections 106 or 107 of CERCLA, 42 U.S.C. §§ 9606 or 9607, or for injunctive relief pursuant to Section 7003 of the RCRA, 42 U.S.C. § 6973, with regard to the Site. With respect to present and future liability, this covenant not to sue shall take effect for each De Minimis Respondent II upon receipt of that De Minimis Respondent II's payment as required by Section VIII. With respect to each De Minimis Respondent II, individually, these covenants are conditioned upon complete performance by such De Minimis Respondent II of all obligations under this Consent Order, and the veracity and completeness of the information provided to EPA by such De Minimis Respondent II relating to each De Minimis Respondent II's involvement with the Site. These covenants shall be null and void with respect to any individual De Minimis Respondent II that fails to perform all obligations under this Consent Order in a timely and complete manner, or has provided materially false, incomplete, or incorrect information in

such De Minimis Respondent II's Certification under Section X of this Consent Order. These covenants extend only to De Minimis Respondents II and do not extend to any other person.

XII. RESERVATIONS OF RIGHTS BY UNITED STATES

28. The United States expressly reserves, and nothing in this Consent Order is intended to be nor shall it be construed as a release or covenant not to sue for, any claim or cause of action, administrative or judicial, civil or criminal, past or future, at law or in equity, which the United States, including EPA, may have against any of the De Minimis Respondents II for:
- a. any liability as a result of failure to make the payments required by Section VIII (Payment by De Minimis Respondents II), or otherwise comply with the terms of this Consent Order;
 - b. liability arising from the past, present, or future disposal, release or threat of release of hazardous substances at any facility, as defined in Section 101(9) of CERCLA, 42 U.S.C. § 9601(9), other than the Site;
 - c. any matters not expressly included in Section XI above (Covenant Not to Sue by the United States);
 - d. liability for damages for injury to, destruction of or loss of natural resources, and for the costs of any natural resource damage assessments;
 - e. liability for response costs relating to the Site that have been or may be incurred by Natural Resource trustees, including, but not limited to, the Department of Interior, of the United States;
 - f. criminal liability;
 - g. liability of any De Minimis Respondent II for violations of Federal or state law; or
 - h. any liability for Remedial Costs in excess of \$25 million.
29. Nothing in this Consent Order constitutes a covenant not to sue or to take action or otherwise limits the ability of the United States to seek or obtain further relief from any De Minimis Respondent II, and the covenant not to sue set forth above and the contribution protection provided below will become null and void as to any individual De Minimis Respondent II, if:

- a. such De Minimis Respondent II contributed more than 0.75% of the total volume of the hazardous substances at the Site or contributed to the Site hazardous substances which contributed disproportionately to the cumulative toxic or other hazardous effects of the hazardous substances at the Site;
- b. such De Minimis Respondent II fails to make any payment under the terms of this Consent Order; and/or,
- c. such De Minimis Respondent II's certification in Section X of this Order is false or materially inaccurate.

XIII. COVENANT NOT TO SUE BY RESPONDENTS

- 30. De Minimis Respondents II covenant not to sue and agree not to assert any claims or causes of action against the United States or its contractors or employees with respect to the Site or this Consent Order including, but not limited to:
 - a. Any direct or indirect claim for reimbursement from the EPA Hazardous Substance Superfund based on Sections 106(b)(2), 107, 111, 112, or 113 of CERCLA, 42 U.S.C. §§ 9606(b)(2), 9607, 9611, 9612, or 9613, or any other provision of law;
 - b. any claims arising out of response activities at the Site; and
 - c. any claim against the United States pursuant to Sections 107 and 113 of CERCLA, 42 U.S.C. §§ 9607 and 9613, relating to the Site.
- 31. Nothing in this Consent Order shall be deemed to constitute preauthorization or approval of a claim within the meaning of Section 111 of CERCLA, 42 U.S.C. § 9611, or 40 C.F.R. § 300.700(d).

XIV. EFFECT OF SETTLEMENT/CONTRIBUTION PROTECTION

- 32. Nothing in this Consent Order shall be construed to create any rights in, or grant any cause of action to, any person not a party to this Consent Order. The preceding sentence shall not be construed to waive or nullify any rights that any person not a signatory to this Consent Order may have under applicable law. The United States and the De Minimis Respondents II each reserve any and all rights (including, but not limited to, any right to contribution), defenses, claims,

demands, and causes of action which each party may have with respect to any matter, transaction, or occurrence relating in any way to the Site against any person not a party hereto.

33. EPA and the De Minimis Respondents II agree that the actions undertaken by De Minimis Respondents II in accordance with this Consent Order do not constitute an admission of any liability by any De Minimis Respondent II. The De Minimis Respondents II do not admit, and retain the right to controvert in any subsequent proceedings, other than proceedings brought by the United States to implement or enforce this Consent Order, the validity of the Statement of Facts or Determinations contained in this Consent Order.
34. The De Minimis Respondents II agree that with respect to any suit or claim for contribution brought by them for matters related to this Consent Order they will provide notification to EPA in writing no later than sixty (60) days prior to the initiation of such suit or claim. The De Minimis Respondents II also agree that with respect to any suit or claim for contribution brought against them for matters related to this Consent Order they will provide notification to EPA in writing within ten (10) days of service of the complaint on them. In addition, De Minimis Respondents II shall notify EPA within ten (10) days of receipt of any order from a court setting any such case for trial.
35. In any subsequent administrative or judicial proceeding initiated by the United States for injunctive relief, recovery of response costs, or other appropriate relief relating to the Site, De Minimis Respondents II shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim-splitting, or other defenses based upon any contention that the claims raised by the United States in the subsequent proceeding were or should have been brought in the instant case; provided, however, that nothing in this Paragraph affects the enforceability of the covenants not to sue set forth in Section XI (Covenants Not to Sue by the United States).
36. Subject to the Reservation of Rights in Section XII of this Order, each De Minimis Respondent II, by entering into and complying with the terms of this Consent Order, is entitled to protection from contribution actions or claims as provided by Sections 113(f)(2) and 122(g)(5) of CERCLA, 42 U.S.C. §§ 9613(f)(2) and 9622(g)(5), for "matters addressed" in this Consent Order. The "matters addressed" in this Consent Order are all response actions taken by the United States and by private parties, and all response costs incurred and to be incurred by the United States, including Past Response Costs and Future Response Costs, as such terms are defined in Paragraphs 3(p) and 3(h) of this Consent Order, and by private parties, at or in connection with the Site. The "matters addressed" in this settlement do not include those response costs or response

actions as to which the United States has reserved its rights under this Consent Order (except for claims for failure to comply with this Consent Order), in the event that the United States asserts rights against De Minimis Respondents II coming within the scope of such reservations.

XV. OPPORTUNITY FOR PUBLIC COMMENT

37. This Consent Order shall be subject to a thirty-day public comment period pursuant to Section 122(i) of CERCLA, 42 U.S.C. § 9622(i), and Section 7003(d) of RCRA, 42 U.S.C. § 6973(d). EPA shall provide notice, and an opportunity for a public meeting in the affected area on the proposed settlement in accordance with Section 7003(d) of RCRA, 42 U.S.C. § 6973 (d). In accordance with Section 122(i)(3) of CERCLA, 42 U.S.C. § 9622(i)(3), EPA may withdraw or withhold its consent to this Consent Order if comments received disclose facts or considerations which indicate that this Consent Order is inappropriate, improper or inadequate.

XVI. ATTORNEY GENERAL APPROVAL

38. In accordance with Section 122(g)(4) of CERCLA, this Consent Order shall not become effective without the prior written approval of the Attorney General or his designee.

XVII. COSTS AND FEES

39. De Minimis Respondents II shall bear their own costs and attorney's fees regarding this matter. Nothing in this Consent Order shall be construed to create any rights in, or grant any cause of action to, any person not a Party to this Consent Order. The United States and De Minimis Respondents II each reserve any and all rights (including, but not limited to, any right to contribution), defenses, claims, demands, and causes of action which each Party may have with respect to any matter, transaction, or occurrence relating in any way to the Site against any person not a Party hereto.

XVIII. INTEGRATION/APPENDICES

40. This Consent Order and its appendices constitute the final, complete and exclusive agreement and understanding among the Parties with respect to the settlement embodied in this Consent Order. The Parties acknowledge that there are no representations, agreements or understandings relating to the settlement other than those expressly contained in this Consent Order. The following appendices are attached to and incorporated into this Consent Order:

"Appendix A" -- List of De Minimis Respondents II

"Appendix B" -- Map of the Site

"Appendix C" -- Volumetric Ranking Summaries (Showing Volumes and Payment Amounts)

"Appendix D" -- New Volumetric Ranking Summary for the Second De Minimis Settlement

XIX. EFFECTIVE DATE

41. The effective date of this Consent Order shall be the date upon which EPA issues written notice to De Minimis Respondents II that the public comment period pursuant to Paragraph 37 has closed and that comments received, if any, do not require modification of or EPA withdrawal from this Consent Order.

IT IS SO AGREED AND ORDERED:

U.S. Environmental Protection Agency:

By: _____

Thomas C. Voltaggio
Acting Regional Administrator, Region III


SEP 24 2001

Date

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of [insert U.S. EPA docket number], relating to the Malvern TCE Superfund Site, 258 N. Phoenixville Pike, Malvern, Pennsylvania.

FOR RESPONDENT: BAE SYSTEMS
[Name]

305 Richardson Rd., Lansdale, PA 19446
[Address]

By:  6/15/01
[Signature] [Date]

JOHN F. SHARKEY, VP FINANCE
[Type name and Title]

De Minimis Respondent opts to pay in two equal installments, as provided for in Paragraph 19 of this Consent Order:

☒ Yes

☐ No

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of [insert U.S. EPA docket number], relating to the Malvem ICE Superfund Site, 258 N. Phoenixville Pike, Malvem, Pennsylvania.


FOR RESPONDENT: Boekel Industries c/o Boekel Scientific

[Name]

855 Pennsylvania Blvd., Feasterville, PA 19053

[Address]

By:



[Signature]

05-31-2001

[Date]

Leo Synnestvedt / CEO

[Type name and Title]

De Minimis Respondent opts to pay in two equal installments, as provided for in Paragraph 19 of this Consent Order:

☐

Yes

☒

No

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of [insert U.S. EPA docket number], relating to the Malvern TCE Superfund Site, 258 N. Phoenixville Pike, Malvern, Pennsylvania.

FOR RESPONDENT: Elco Corporation
[Name]
801 17th Ave. South
Myrtle Beach, SC 29577
[Address]

By: [Signature] June 4, 2001
[Signature] [Date]

Kurt P. Cummings VP CFO
AVX Corporation
[Type name and Title]

De Minimis Respondent opts to pay in two equal installments, as provided for in Paragraph 19 of this Consent Order:

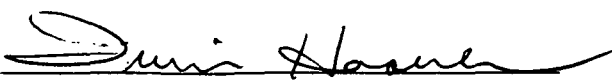
☒ Yes

☐ No

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of [insert U.S. EPA docket number], relating to the Malvern TCE Superfund Site, 258 N. Phoenixville Pike, Malvern, Pennsylvania.

FOR RESPONDENT: Irvin's Tinware Company
[Name]

RD 1 Box 73 Mt. Pleasant Mills, PA17853
[Address]

By: 
[Signature]

June 4, 2001
[Date]

Irvin Hoover President
[Type name and Title]

De Minimis Respondent opts to pay in two equal installments, as provided for in Paragraph 19 of this Consent Order:

☐ Yes

☒ No

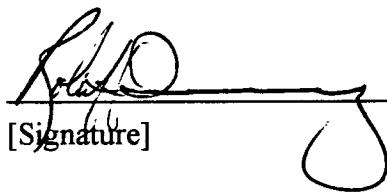
- 19 -

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of (Insert U.S. EPA docket number), relating to the Malvern TCE Superfund Site, 258 N. Phoenixville Pike, Malvern, Pennsylvania.

FOR RESPONDENT: K-D Tools Manufacturing Co. (Danaher Corporation)

11011 McCormick Drive, Hunt Valley, MD 21031

By:


[Signature]

June 13, 2001

[Date]

Robert H. Devenney, Vice President

[Type name and Title]

De Minimis Respondent opts to pay in two equal installments, as provided for in paragraph 19 of this Consent Order:

☐ Yes

☒ No

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of [insert U.S. EPA docket number], relating to the Malvern TCE Superfund Site, 258 N. Phoenixville Pike, Malvern, Pennsylvania.

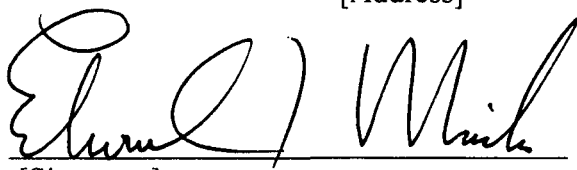
FOR RESPONDENT: Maida Development Company

[Name]

20 Libby Street
Hampton, VA 23663

[Address]

By:



[Signature]

5/31/01

[Date]

Edward T. Maida, President

[Type name and Title]

De Minimis Respondent opts to pay in two equal installments, as provided for in Paragraph 19 of this Consent Order:

☒ Yes

☐ No

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of [insert U.S. EPA docket number], relating to the Malvern TCE Superfund Site, 258 N. Phoenixville Pike, Malvern, Pennsylvania.

FOR RESPONDENT: McHugh Railroad Maintenance Equipment, Inc.
[Name]

PO Box 8, Fairless Hills, PA 19030
[Address]

By:

James C. McHugh, Jr.
[Signature]

June 11, 2001

[Date]

James McHugh, Jr., CEO
[Type name and Title]

De Minimis Respondent opts to pay in two equal installments, as provided for in Paragraph 19 of this Consent Order:

☐ Yes

☒ No

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of [insert U.S. EPA docket number], relating to the Malvern TCE Superfund Site, 258 N. Phoenixville Pike, Malvern, Pennsylvania.

FOR RESPONDENT: Photofabrication Chemical and Equipment Company
[Name]

522 Lancaster Avenue - Malvern, PA 19355

[Address]

By:

W. Sinclair Smith II

[Signature]

June 12, 2001

[Date]

W. Sinclair Smith II - President

[Type name and Title]

De Minimis Respondent opts to pay in two equal installments, as provided for in Paragraph 19 of this Consent Order:

☒ Yes

☐ No

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of [insert U.S. EPA docket number], relating to the Malvern TCE Superfund Site, 258 N. Phoenixville Pike, Malvern, Pennsylvania.

FOR RESPONDENT: R+E MARTIN
[Name]

P.O. Box 4701, PHILA, PA 19130
[Address]

By: Richard P. Martin
[Signature]

6/13/01
[Date]

RICHARD P. MARTIN II President
[Type name and Title]

De Minimis Respondent opts to pay in two equal installments, as provided for in Paragraph 19 of this Consent Order:

☒ Yes

☐ No

Appendix A

Appendix A**Settling De Minimis Parties**

BAE Systems Aerospace Electronics, Inc.
for **American Electronics Laboratory, Inc.**
305 Richardson Road
Lansdale, PA 19446

Boekel Industries, Inc.
for **Boekel Scientific**
855 Pennsylvania Ave
Feasterville, PA 19053

Irvin's Tinware Company
for **Ervins Crafts**
RD#1, Box 73
Mount Pleasant Mills, PA 17853

AVX Corporation
for **Elco Corporation**
801 17th Avenue South
P.O. Box 861
Myrtle Beach, SC 29577

Danaher Corporation
for **K-D Tool Manufacturing**
11011 McCormick Drive
Hunt Valley, MD 21031

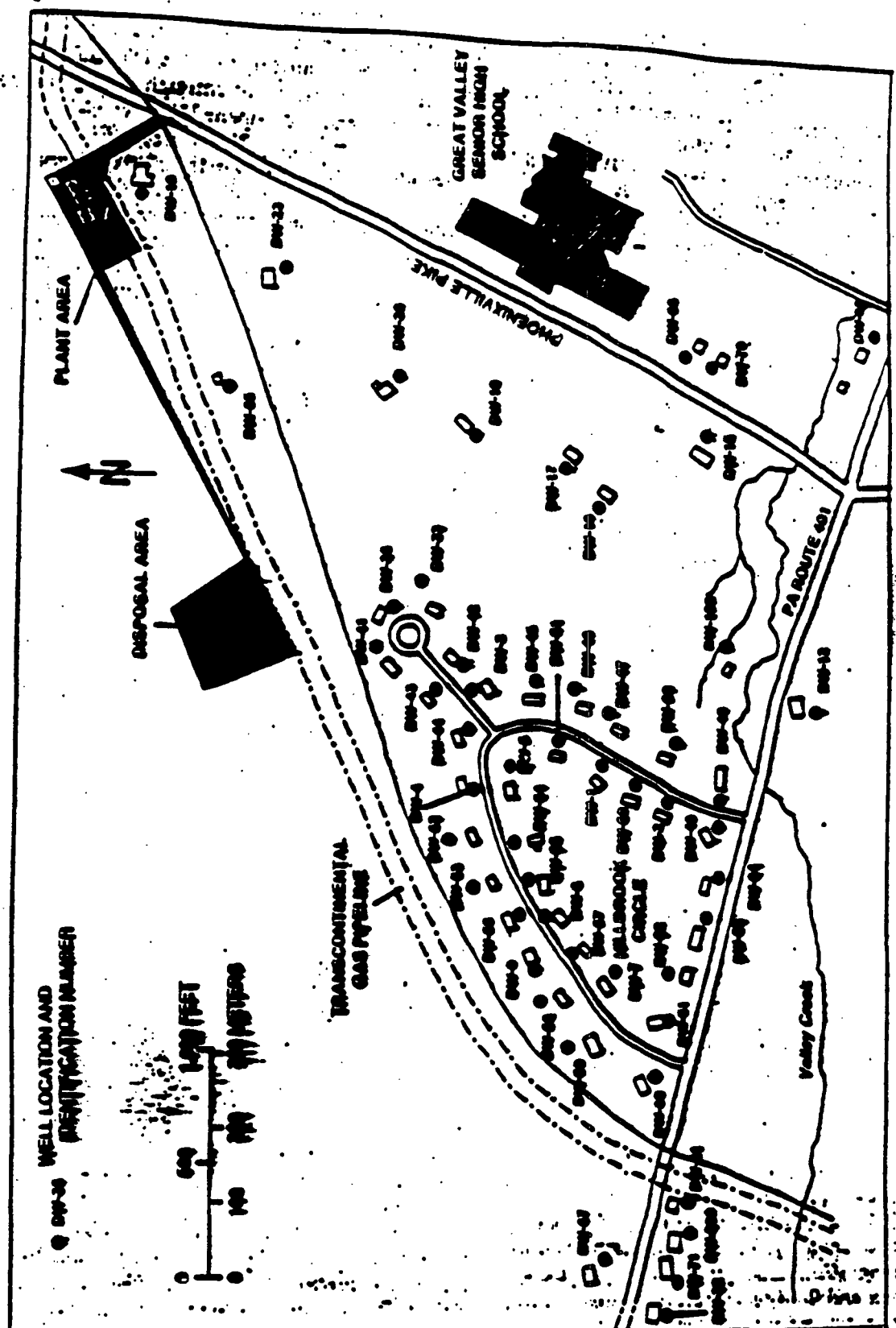
Maida Development Company
20 Libbey Street
Hampton, VA 23663

McHugh Railroad Maintenance Equipment, Inc.
Box 8
Fairless Hills, PA 19030

Photofabrication Chemical and Equipment Company
522 Lancaster Avenue
Malvern, PA 19355

R & E Martin
P.O. Box 4701
Philadelphia, PA 19134

Appendix B



HALVERN TCE SITE MAP

AR000089

Appendix C

Malvern TCE Superfund Site
Explanation Sheet for the Final Volumetric Ranking Summary (VRS)

The following provides an explanation of the information provided in the attached Malvern TCE Superfund Site (the Site) Final Volumetric Ranking Summary (VRS). Please refer to the example provided below for an illustration of the process used to calculate individual total payment.¹

PRP Name	FDA Drums	FDA %	FDA Revised %	FDA Cost	FDA Premium	MPA Drums	MPA %	MPA Revised %	MPA Cost	MPA Premium	Total Payment
ABC Corporation	34	1.49 %	1.52 %	\$141,249	\$62,182	82	0.29 %	0.30 %	\$26,325	\$11,483	\$241,239

PRP Name = The name of the specific potentially responsible party (PRP). Subsidiaries may be listed separately from parent companies; therefore, please review the VRS in its entirety to identify company subsidiaries that may have done business with Chemclene Corporation.

FDA Drums = The total number for drums sent to the Site before August 1, 1975.

FDA % = The total number of drums sent by the PRP prior to August 1, 1975, divided by the total number of documented drums received by Chemclene Corporation prior to August 1, 1975, multiplied by 100.

FDA Revised % = The total number of drums sent by the PRP prior to August 1, 1975, divided by the FDA total number of all non-orphan² drums received by Chemclene Corporation prior to August 1, 1975, multiplied by 100.

FDA Cost = The FDA Revised % divided by 100 and multiplied by \$9,263,078, the total past cost³ and estimated future cost associated with the FDA.

FDA Premium = The FDA Revised % divided by 100 and multiplied by the future estimated costs for the FDA (\$8,155,725) multiplied by the premium (50%).

MPA Drums = The total number of drums received at the Site, regardless of the date, for which the PRP is responsible.

MPA % = The total number of drums sent by the PRP, regardless of date, divided by the total number of documented drums received by Chemclene Corporation, multiplied by 100.

MPA Revised % = The total number of drums sent by the PRP, regardless of date, divided by the total number of non-orphan drums² received by Chemclene Corporation, regardless of date, multiplied by 100.

MPA Cost = MPA Revised % divided by 100 and multiplied by \$8,680,799, the total past cost³ and estimated future cost associated with the MPA.

MPA Premium = The MPA Revised % divided by 100 and multiplied by the future estimated costs for the MPA (\$7,573,426) multiplied by the premium (50%).

Total Payment = FDA Cost + FDA Premium + MPA Cost + MPA Premium.

¹ The FDA Cost, FDA Premium, MPA Cost, and MPA Premium figures are rounded to zero decimal places for display purposes only. The full number is used in the calculation of the Total Payment.

² Non-orphan drums are drums for which there is either a viable generator or a viable broker/transporter.

³ The total past cost for the Site as of June 17, 1997, is \$2,214,705.00. Half of this cost was allocated to the FDA, with the other half being allocated to the MPA.

AR000124

CBI ORIGINAL

Malvern TCI erfund Site
Broker/Transporter Volumetric Ranking Summary*

PRP Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Broker/ Transporter Total Payment	Generator Total De Minimis Payment	Total De Minimis Payment
Continental Vanguard, Inc.						89.38	0.32%	0.33%	\$29,062	\$12,677	\$41,739	\$30,571	\$72,310
Eldredge, Inc.						549.53	1.99%	2.06%					A
F T C Hazardous						89.91	0.33%	0.34%	\$29,240	\$12,755	\$41,996	\$0	\$41,996
Inland Pumping & Dredging Corp.						67.00	0.24%	0.00%					B
J & J Spill						115.54	0.42%	0.43%	\$37,576	\$16,391	\$53,967	\$20,085	\$74,052
Keystone-Block Transportation						723.27	2.62%	2.71%					A
Lightman Drum Co.						48.00	0.17%	0.18%	\$15,611	\$6,810	\$22,420	\$126	\$22,546
North Industrial Chemicals						24.00	0.09%	0.09%	\$7,805	\$3,405	\$11,210	\$28,025	\$39,235
P Q Corporation						67.00	0.24%	0.25%	\$21,790	\$9,505	\$31,295	\$0	\$31,295
Philadelphia Steel Drum Co. Inc.						43.00	0.16%	0.16%	\$13,984	\$6,100	\$20,085	\$0	\$20,085
Phillips & Jacob	20.00	0.88%	0.89%	\$82,865	\$36,479	20.00	0.07%	0.07%	\$6,504	\$2,837	\$128,686	\$25,804	\$154,490
Ponderosa Disposal Co.						111.00	0.40%	0.00%					B
Quaker City Chemicals	52.00	2.28%	2.33%			333.11	1.21%	1.25%					A
R & E Martin, Inc.						55.00	0.20%	0.21%	\$17,887	\$7,803	\$25,690	\$54,317	\$80,007
Resource Technology Services, Inc.						208.27	0.75%	0.77%					A
Waste Conversion						38.00	0.14%	0.14%	\$12,358	\$5,391	\$17,749	\$97,154	\$114,903
Waste Consulting & Brokerage						5.38	0.02%	0.02%	\$1,743	\$760	\$2,504	\$0	\$2,504
U.S. Environmental Services						4.00	0.01%	0.01%	\$1,301	\$567	\$1,868	\$0	\$1,868
Total:	72.00	3.16%	3.22%	\$82,865	\$36,479	2689.35	9.38%	9.82%	\$194,861	\$85,891	\$389,751	\$266,882	\$656,291

* Superceding 4/27/98 VRS

A Party does not qualify for de minimis settlement offer

B Party has been identified as an orphan.

AR000125

CBI ORIGINAL

Malvern TCE Superfund Site
Explanation Sheet for the Final Volumetric Ranking Summary (VRS)

The following provides an explanation of the information provided in the attached Malvern TCE Superfund Site (the Site) Final Volumetric Ranking Summary (VRS). Please refer to the example provided below for an illustration of the process used to calculate individual total payment.¹

PRP Name	FDA Drums	FDA %	FDA Revised %	FDA Cost	FDA Premium	MPA Drums	MPA %	MPA Revised %	MPA Cost	MPA Premium	Total Payment
ABC Corporation	34	1.49 %	1.52 %	\$141,249	\$62,182	82	0.29 %	0.30 %	\$26,325	\$11,483	\$241,239

PRP Name = The name of the specific potentially responsible party (PRP). Subsidiaries may be listed separately from parent companies; therefore, please review the VRS in its entirety to identify company subsidiaries that may have done business with Chemclene Corporation.

FDA Drums = The total number for drums sent to the Site before August 1, 1975.

FDA % = The total number of drums sent by the PRP prior to August 1, 1975, divided by the total number of documented drums received by Chemclene Corporation prior to August 1, 1975, multiplied by 100.

FDA Revised % = The total number of drums sent by the PRP prior to August 1, 1975, divided by the FDA total number of all non-orphan² drums received by Chemclene Corporation prior to August 1, 1975, multiplied by 100.

FDA Cost = The FDA Revised % divided by 100 and multiplied by \$9,263,078, the total past cost³ and estimated future cost associated with the FDA.

FDA Premium = The FDA Revised % divided by 100 and multiplied by the future estimated costs for the FDA (\$8,155,725) multiplied by the premium (50%).

MPA Drums = The total number of drums received at the Site, regardless of the date, for which the PRP is responsible.

MPA % = The total number of drums sent by the PRP, regardless of date, divided by the total number of documented drums received by Chemclene Corporation, multiplied by 100.

MPA Revised % = The total number of drums sent by the PRP, regardless of date, divided by the total number of non-orphan drums² received by Chemclene Corporation, regardless of date, multiplied by 100.

MPA Cost = MPA Revised % divided by 100 and multiplied by \$8,680,799, the total past cost³ and estimated future cost associated with the MPA.

MPA Premium = The MPA Revised % divided by 100 and multiplied by the future estimated costs for the MPA (\$7,573,426) multiplied by the premium (50%).

Total Payment = FDA Cost + FDA Premium + MPA Cost + MPA Premium.

¹ The FDA Cost, FDA Premium, MPA Cost, and MPA Premium figures are rounded to zero decimal places for display purposes only. The full number is used in the calculation of the Total Payment.

² Non-orphan drums are drums for which there is either a viable generator or a viable broker/transporter.

³ The total past cost for the Site as of June 17, 1997, is \$2,214,705.00. Half of this cost was allocated to the FDA, with the other half being allocated to the MPA.

AR000108

CBORIGINAL

Malvern TCE Superfund Site
Generator Volume Ranking Summary*
 (By Alphabetical Listing)

Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
A & J Screw Machine Products						8.00	0.03%	0.03%	\$2,601	\$1,135	\$3,735
A & L Handles						43.00	0.16%	0.16%	\$13,979	\$6,098	\$20,077
A I W Frank						9.92	0.04%	0.00%	\$0	\$0	B
A. Duie Pyle						1.00	0.00%	0.00%			D
A. Johnson & Co., Inc.						3.00	0.01%	0.01%	\$975	\$425	\$1,401
A. S. Koch Corp.	137.00	6.00%	6.13%			250.00	0.91%	0.94%			A
Accumetrics						25.00	0.09%	0.09%	\$8,127	\$3,545	\$11,673
Accuracy Scientific	3.00	0.13%	0.13%	\$12,430	\$5,472	34.18	0.12%	0.13%	\$11,112	\$4,847	\$33,861
Ace Service Corp.						1.00	0.00%	0.00%			D
Acro Labels						88.00	0.31%	0.32%	\$27,958	\$12,196	\$40,154
Action Manufacturing Company	49.18	2.15%	2.20%			220.31	0.80%	0.83%			A
ADEC						6.00	0.02%	0.00%	\$0	\$0	B
Adelphia Graphics Systems						40.05	0.15%	0.15%	\$13,020	\$5,680	\$18,700
Aero Plating						15.00	0.05%	0.00%	\$0	\$0	B
Agitar, Div. of Air Buensod, Inc.						9.00	0.03%	0.00%	\$0	\$0	B
Airline Hydraulic Corporation						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
Airworks						17.00	0.06%	0.08%	\$5,527	\$2,411	\$7,937
Albright Paper & Box Corp.						1.11	0.00%	0.00%			D
ALCOA	40.00	1.75%	1.79%			275.00	1.00%	1.03%			A
Alfa-Laval Separation, Inc.						6.00	0.02%	0.02%	\$1,951	\$851	\$2,801
Allister Mfg.						36.00	0.13%	0.13%	\$11,704	\$5,105	\$16,809
Amchem						70.00	0.25%	0.26%	\$22,757	\$9,927	\$32,684
American Electronics Laboratories						9.00	0.03%	0.03%	\$2,926	\$1,276	\$4,202
Ames Supply						10.00	0.04%	0.00%	\$0	\$0	B
Ametek, Inc.	9.00	0.39%	0.40%	\$37,289	\$16,416	42.18	0.15%	0.16%	\$13,713	\$5,982	\$73,399
AMF Head Division						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
Amp Corp.	34.00	1.49%	1.52%	\$140,870	\$62,015	133.00	0.48%	0.50%	\$43,238	\$18,861	\$264,984

* Superceding 4/27/98 VRS

A De maximus party and does not qualify for de minimis settlement offer

B Party has been identified as an orphan.

C Total payment for broker/transporter is detailed on the separate Broker/Transporter Volumetric Ranking Summary.

D De micromis party

AR000109

CBI ORIGINAL

Malvern TCE Superfund Site
Generator Volumetric Ranking Summary*
 (By Alphabetical Listing)

Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
Amunee Mfg. Co.						23.00	0.08%	0.09%	\$7,477	\$3,262	\$10,739
Anchor Darling Co.						28.00	0.10%	0.10%	\$9,103	\$3,971	\$13,074
Angelo						6.00	0.02%	0.02%	\$1,951	\$851	\$2,801
Antenna Corp.						1.00	0.00%	0.00%			D
Ark Products	5.00	0.22%	0.22%	\$20,716	\$9,120	52.00	0.19%	0.19%	\$16,905	\$7,374	\$54,115
Armstrong Cork Co.						522.70	1.89%	1.96%			A
Artco Corp.						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
Asplundh Manufac. Co.						37.00	0.13%	0.14%	\$12,029	\$5,247	\$17,276
Aston-Hill Co.						74.00	0.27%	0.00%	\$0	\$0	B
Athena Controls						42.00	0.15%	0.16%	\$13,654	\$5,956	\$19,610
Auto-Pack						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
Aydn						251.82	0.91%	0.94%			A
B. P. Oil						32.00	0.12%	0.12%	\$10,403	\$4,538	\$14,941
Beckett Corporation						250.55	0.91%	0.94%			A
Beemer Engineering	4.00	0.18%	0.18%	\$16,573	\$7,296	22.00	0.08%	0.08%	\$7,152	\$3,120	\$34,141
Bandtru Company						21.00	0.08%	0.08%	\$6,827	\$2,978	\$9,805
Berg Laboratories						8.00	0.03%	0.03%	\$2,601	\$1,135	\$3,735
Biddle Instrument Company						42.00	0.15%	0.16%	\$13,854	\$5,956	\$19,610
Bilgram Gear Company						7.00	0.03%	0.03%	\$2,276	\$993	\$3,268
Bishop Tube Co.	60.00	2.63%	2.68%	\$248,594	\$109,438	130.00	0.47%	0.49%	\$42,263	\$18,436	\$418,731
Bo Peep Cleaners						12.63	0.05%	0.05%	\$4,108	\$1,791	\$5,897
Boeing Property						2.00	0.01%	0.01%	\$650	\$284	\$934
Boeke Industries						13.00	0.05%	0.05%	\$4,228	\$1,844	\$6,070
Boyertown Packing Co.						5.27	0.02%	0.02%	\$1,713	\$747	\$2,461
Brandt Corporation						5.00	0.02%	0.02%	\$1,625	\$709	\$2,335
Brittany's Ltd.						2.00	0.01%	0.00%	\$0	\$0	B
Brooks Instrument						3.00	0.01%	0.01%	\$975	\$425	\$1,401

* Superseding 4/27/98 VRS

A De maximis party and does not qualify for de minimis settlement offer.

B Party has been identified as an orphan

C Payment for broker/transporter is detailed on the separate Broker/Transporter Volumetric Ranking Summary.

D De minimis party.

AR000110

CBI ORIGINAL

Malvern TCF Superfund Site
Generator Volume Ranking Summary*
 (By Alphabetical Listing)

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Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
Brumbaugh Industries						37.00	0.13%	0.14%	\$12,029	\$5,247	\$17,276
Budd Co.						0.36	0.00%	0.00%			D
Bunnell Plastics, Inc.						13.00	0.05%	0.05%	\$4,226	\$1,844	\$6,070
Burroughs Corp.	147.00	6.44%	6.58%			519.54	1.88%	1.95%			A
C S S International Corp.	8.00	0.35%	0.36%	\$33,146	\$14,592	39.86	0.14%	0.15%	\$12,958	\$5,653	\$66,349
C W Industries						16.04	0.06%	0.06%	\$5,215	\$2,275	\$7,489
C. K. Systematics, Inc.						17.00	0.06%	0.06%	\$5,527	\$2,411	\$7,937
Cabot Grouping						481.88	1.46%	1.60%			A
Cabot Beryco						143.00	0.52%	0.54%			A
Cabot Wrought Products						27.00	0.10%	0.10%			A
Cabot Company						13.00	0.05%	0.05%			A
Kawecki Beryco						218.00	0.79%	0.82%			A
Camdel Metals						21.00	0.08%	0.08%	\$6,827	\$2,978	\$9,805
Cantol Inc.						20.09	0.07%	0.06%	\$6,531	\$2,849	\$9,380
Carvel Hall Inc.						37.00	0.13%	0.14%	\$12,029	\$5,247	\$17,276
Chem Cell Corporation						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
Chem Par						39.00	0.14%	0.15%	\$12,679	\$5,531	\$18,210
Chem-Solv						2.00	0.01%	0.01%	\$650	\$284	\$934
Chester County Intermediate Unit						0.07	0.00%	0.00%			D
Chobert Associates						85.15	0.31%	0.32%	\$27,682	\$12,075	\$39,757
Chrono-Log Corporation						6.28	0.02%	0.02%	\$2,042	\$891	\$2,932
Cincinnati Time						1.00	0.00%	0.00%			D
Classic Coachworks						14.00	0.05%	0.05%	\$4,551	\$1,985	\$6,537
Clifton Precision	34.00	1.49%	1.52%	\$140,670	\$62,015	82.00	0.30%	0.31%	\$26,658	\$11,629	\$241,172
Coatings For Industry Inc.						6.00	0.02%	0.02%	\$1,951	\$851	\$2,801
Cobra Wire & Cable Co.						17.00	0.06%	0.06%	\$5,527	\$2,411	\$7,937

* Superseding 4/27/96 VRS

A De maximus party and does not qualify for de minimis settlement offer.

B Party has been identified as an orphan.

C Total payment for broker/transporter is detailed on the separate Broker/Transporter Volumetric Ranking Summary.

D De micromis party

AR000111

CBI ORIGINAL

**Malvern TCE Superfund Site
Generator Volumetric Ranking Summary***
(By Alphabetical Listing)

Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
Concurrent Computer Corp.						15.00	0.05%	0.06%	\$4,876	\$2,127	\$7,004
Connecticut Mixed						12.00	0.04%	0.00%	\$0	\$0	B
Container Research Corporation						83.00	0.30%	0.31%	\$26,983	\$11,771	\$38,754
Contamination Control, Inc.						20.00	0.07%	0.07%	\$6,502	\$2,836	\$9,338
Continental Vanguard, Inc.						65.45	0.24%	0.25%			C
Control Switch	3.00	0.13%	0.00%	\$0	\$0	32.48	0.12%	0.00%	\$0	\$0	B
Controls Service & Engineering						5.00	0.02%	0.02%	\$1,625	\$709	\$2,335
Cook Specialty Company						42.00	0.15%	0.16%	\$13,654	\$5,956	\$19,610
Crown Marketing Equipment Co.						12.00	0.04%	0.04%	\$3,901	\$1,702	\$5,603
Cyprus Foote Mineral Co.						495.00	1.79%	1.85%			A
Danco Tool & Mold Co.						3.00	0.01%	0.01%	\$975	\$425	\$1,401
Data Media Inc						21.00	0.08%	0.08%	\$6,827	\$2,978	\$9,805
David K. Robson, Inc.						18.00	0.07%	0.07%	\$5,852	\$2,553	\$8,404
Decision Data						36.00	0.13%	0.13%	\$11,704	\$5,105	\$16,809
Defense Reutilization & Marketing Grouping						349.98	1.27%	1.31%			A
Madison, IN						13.00	0.05%	0.05%			A
DRMS/PNSY						200.72	0.73%	0.75%			A
DRMO PHILADELPHIA						54.00	0.20%	0.20%			A
Picatinny Arsenal						8.26	0.03%	0.03%			A
DRMO Knox						74.00	0.27%	0.28%			A
Delaware Container Co. Inc.						9.00	0.03%	0.00%	\$0	\$0	B
Delbar Products						328.50	1.19%	1.23%			A
Delco Wire & Cable, Inc. / Delco Elec.						47.00	0.17%	0.00%	\$0	\$0	B
Delmaco Mfg. Inc.						2.00	0.01%	0.01%	\$650	\$284	\$934
Deltron Incorporated						18.55	0.07%	0.07%	\$6,031	\$2,631	\$8,661
Dentronix, Inc.						8.04	0.03%	0.03%	\$2,614	\$1,140	\$3,754

* Superseding 4/27/98 VRS

A De maximis party and does not qualify for de minimis settlement offer.

B Party has been identified as an orphan.

C yment for broker/transporter is detailed on the separate Broker/Transporter Volum ing Summary

D De micromis party

AR000112

ORIGINAL

Malvern TCE Superfund Site
Generator Volume Ranking Summary*
 (By Alphabetical Listing)

Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
Delta Flag Co.						10.22	0.04%	0.04%	\$3,322	\$1,449	\$4,772
DeVilbiss, Inc.						9.00	0.03%	0.03%	\$2,926	\$1,276	\$4,202
Devon Apparel						1.00	0.00%	0.00%			D
Display Corporation of America						30.00	0.11%	0.11%	\$9,753	\$4,254	\$14,007
Diversified Electronic Corp.						15.53	0.06%	0.06%	\$5,049	\$2,202	\$7,251
Dixon Industries Corp.						5.00	0.02%	0.02%	\$1,625	\$709	\$2,335
Doshier - Jarvis						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
Dorado Fabrics						119.00	0.43%	0.00%	\$0	\$0	B
Drexelbrook Engineering						8.00	0.03%	0.03%	\$2,601	\$1,135	\$3,735
Durawood						1.00	0.00%	0.00%			D
Dynamic Services						2.00	0.01%	0.00%	\$0	\$0	B
E M R Photoelectric						3.00	0.01%	0.01%	\$975	\$425	\$1,401
E. Hopkins Co.						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
E.I.T. Inc., Enterra Instrumentation Tech						4.51	0.02%	0.02%	\$1,466	\$640	\$2,106
E/M Corporation						13.00	0.05%	0.05%	\$4,226	\$1,844	\$6,070
East West Label Co. Inc.						49.50	0.18%	0.19%	\$16,092	\$7,020	\$23,112
Eaton	36.00	1.58%	1.61%	\$149,157	\$65,663	38.00	0.14%	0.14%	\$12,354	\$5,389	\$232,562
Elco Corporation	61.00	2.67%	2.73%	\$252,738	\$111,262	61.00	0.22%	0.23%	\$19,831	\$8,651	\$392,481
Electro Platers of York Inc.						199.36	0.72%	0.75%	\$64,811	\$28,272	\$93,083
Electro Tech Systems Inc.						1.00	0.00%	0.00%			D
Electroloy						33.00	0.12%	0.12%	\$10,728	\$4,680	\$15,408
Electronic Display Systems/Hercules						224.00	0.81%	0.84%			A
Elisaco						8.36	0.03%	0.03%	\$2,718	\$1,186	\$3,903
Emeco	3.00	0.13%	0.13%	\$12,430	\$5,472	3.00	0.01%	0.01%	\$975	\$425	\$19,302
Empire Abrasive & Equipment Corp.						103.80	0.38%	0.39%	\$33,745	\$14,720	\$48,465
Ervin's Crafts						5.00	0.02%	0.02%	\$1,625	\$709	\$2,335
Ext -Corporal						4.00	0.01%	0.00%	\$0	\$0	B

* Superseding 4/27/98 VRS

A De maximis party and does not qualify for de minimis settlement offer.

B Party has been identified as an orphan.

C Total payment for broker/transporter is detailed on the separate Broker/Transporter Volumetric Ranking Summary.

D De micromis party

AR000113

CBI ORIGINAL

Malvern TCE Superfund Site
Generator Volumetric Ranking Summary*
 (By Alphabetical Listing)

Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
F B F Industries Inc.						130.00	0.47%	0.49%	\$42,263	\$18,436	\$60,698
Fabric Development						13.00	0.05%	0.05%	\$4,226	\$1,844	\$6,070
Fairchild Space Systems						1.00	0.00%	0.00%			D
Fairfax Cleaners						8.00	0.03%	0.03%	\$2,601	\$1,135	\$3,735
Far East Foods						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
Fendt Finding Co., Inc.						7.00	0.03%	0.00%	\$0	\$0	B
Fergusson						5.98	0.02%	0.02%	\$1,938	\$845	\$2,783
Fischer & Porter Co/Andrews Glass	93.00	4.07%	4.16%			794.50	2.88%	2.98%			A
Fluid Power, Inc.						6.00	0.02%	0.02%	\$1,951	\$851	\$2,801
Formation Inc.						12.00	0.04%	0.04%	\$3,901	\$1,702	\$5,603
Formosa Plastics						39.00	0.14%	0.15%	\$12,679	\$5,531	\$18,210
Franklin Mint						6.00	0.02%	0.02%	\$1,951	\$851	\$2,801
Frazer-Volpe Corporation						23.82	0.09%	0.09%	\$7,744	\$3,378	\$11,122
Frontier Chemical Waste Process						3.00	0.01%	0.01%	\$975	\$425	\$1,401
G K. Garrett Corp.						27.45	0.10%	0.10%	\$8,924	\$3,893	\$12,817
Gale Industries						3.55	0.01%	0.01%	\$1,154	\$503	\$1,658
Gas Springs						23.00	0.08%	0.08%	\$7,477	\$3,262	\$10,739
Gateway Terminal						15.00	0.05%	0.06%	\$4,876	\$2,127	\$7,004
General Electric						191.00	0.69%	0.72%	\$62,094	\$27,086	\$89,180
General Motors Corporation	5.00	0.22%	0.22%			517.00	1.87%	1.94%			A
Giles & Ransome						112.00	0.41%	0.42%	\$36,411	\$15,883	\$52,294
Giltech Inc.						7.00	0.03%	0.00%	\$0	\$0	B
Gish Bros., Inc.						3.00	0.01%	0.01%	\$975	\$425	\$1,401
Globe Solvents						66.36	0.24%	0.00%	\$0	\$0	B
Gould Inc.						68.00	0.25%	0.25%	\$22,107	\$9,643	\$31,750
Graphic Packaging Corp.						59.57	0.22%	0.22%	\$19,366	\$8,448	\$27,814
Green Tweed Co.						5.00	0.02%	0.02%	\$1,625	\$709	\$2,335

* Superceding 4/27/98 VRS

A De maximus party and does not qualify for de minimis settlement offer

B Party has been identified as an orphan.

C Payment for broker/transporter is detailed on the separate Broker/Transporter Volumetric Ranking Summary.

D De minimis party.

AR000114

CBI ORIGINAL

Malvern TCE Superfund Site
Generator Volumetric Ranking Summary*
 (By Alphabetical Listing)

Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
Gulf & Western						2.00	0.01%	0.01%	\$650	\$284	\$934
H & L Cleaners						3.00	0.01%	0.00%	\$0	\$0	B
H - V Industries, Inc.						151.50	0.55%	0.57%	\$49,252	\$21,485	\$70,737
H I Services Inc.						1.00	0.00%	0.00%			D
Hahn Truck Sales						9.00	0.03%	0.00%	\$0	\$0	B
Hale Pumps, Inc.						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
Hamilton Precision Metals						472.08	1.71%	1.77%			A
Hamilton Technology, Inc.						1234.00	4.47%	4.62%			A
Hamilton Watch Co.	197.00	8.63%	8.81%			904.00	3.27%	3.39%			A
Handy & Harman Tube Co. Inc.						229.18	0.83%	0.88%			A
Heel Co.						31.00	0.11%	0.12%	\$10,078	\$4,396	\$14,474
Herman Goldner Co. Inc.						7.09	0.03%	0.03%	\$2,305	\$1,005	\$3,310
High Energy Company						84.64	0.31%	0.32%	\$27,516	\$12,003	\$39,519
Hollingsworth						7.00	0.03%	0.03%	\$2,276	\$993	\$3,268
Honeywell Instruments						5.00	0.02%	0.02%	\$1,625	\$709	\$2,335
Hough/Loew Associates						1.09	0.00%	0.00%			D
Hulltronics						2.00	0.01%	0.01%	\$650	\$284	\$934
Hurst Perf.						14.00	0.05%	0.05%	\$4,551	\$1,985	\$6,537
Imperial Specialty						13.00	0.05%	0.05%	\$4,226	\$1,844	\$6,070
Industrial Systems Design						2.64	0.01%	0.00%	\$0	\$0	B
Iron Bound Heat Treating Co.						7.00	0.03%	0.03%	\$2,276	\$993	\$3,268
J W Rex Co.	21.00	0.92%	0.94%	\$87,008	\$38,303	88.00	0.31%	0.32%	\$27,958	\$12,196	\$165,466
J & J Spill						43.00	0.16%	0.16%			C
James Spring & Wire Co.	2.00	0.09%	0.09%	\$8,288	\$3,648	113.00	0.41%	0.42%	\$36,736	\$16,025	\$64,695
Jenson, Homer						0.36	0.00%	0.00%			D
Jetshapes Inc.						27.00	0.10%	0.10%	\$8,778	\$3,829	\$12,607
John Evan's & Sons, Inc.						203.29	0.74%	0.76%	\$66,089	\$28,829	\$94,918

* Superseding 4/27/98 VRS

A De maximis party and does not qualify for de minimis settlement offer.

B Party has been identified as an orphan

C Total payment for broker/transporter is detailed on the separate Broker/Transporter Volumetric Ranking Summary.

D De micromis party

AR000115

CBI ORIGINAL

Malvern TCE Superfund Site
Generator Volumetric Ranking Summary*
 (By Alphabetical Listing)

Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
Johnson Company						2.00	0.01%	0.01%	\$650	\$284	\$934
Johnson-Matthey						29.55	0.11%	0.11%	\$9,607	\$4,191	\$13,797
K - D Tool Manufacturing						95.00	0.34%	0.36%	\$30,884	\$13,472	\$44,357
K S M Fastening Systems Division						6.00	0.02%	0.02%	\$1,951	\$851	\$2,801
K S O Industries						12.00	0.04%	0.00%	\$0	\$0	B
Kawneer Corp.						26.00	0.09%	0.10%	\$8,453	\$3,687	\$12,140
Keystone Transformer						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
Kim Manufacturing						283.00	1.03%	1.06%			A
Kosempel						13.00	0.05%	0.05%	\$4,226	\$1,844	\$6,070
Krautkramer-Branson, Inc.						7.00	0.03%	0.03%	\$2,276	\$993	\$3,268
Kulicke & Sofia						18.54	0.07%	0.07%	\$6,027	\$2,629	\$8,657
L & S Tool and Machine Co.						3.00	0.01%	0.01%	\$975	\$425	\$1,401
LaFrance Corp.	12.00	0.53%	0.54%			415.00	1.50%	1.55%			A
Laminators Inc.						29.00	0.11%	0.11%	\$9,428	\$4,113	\$13,540
Lancaster Machinery Co.						43.00	0.16%	0.16%	\$13,979	\$6,098	\$20,077
Lavelle Aircraft Co.						189.55	0.69%	0.71%	\$61,622	\$26,881	\$88,503
Leeds & Northrop						145.72	0.53%	0.55%	\$47,373	\$20,665	\$68,038
Lightman Drum Co.						0.27	0.00%	0.00%			C
Lincoln						3.00	0.01%	0.01%	\$975	\$425	\$1,401
London Harness & Cable Co.						26.00	0.09%	0.10%	\$8,453	\$3,687	\$12,140
Lovelin Corporation						6.00	0.02%	0.02%	\$1,951	\$851	\$2,801
Lowry's						2.55	0.01%	0.00%	\$0	\$0	B
M Q S Inspection Inc./Magnaflux						46.00	0.17%	0.17%	\$14,954	\$6,523	\$21,478
Mack Electric						0.27	0.00%	0.00%			D
Mack Wayne Plastics						12.00	0.04%	0.00%	\$0	\$0	B
Malco						94.04	0.34%	0.35%	\$30,572	\$13,336	\$43,908
Manorgraphics						36.84	0.13%	0.14%	\$11,977	\$5,224	\$17,201

* Superseding 4/27/98 VRS

A De maximus party and does not qualify for de minimis settlement offer

B Party has been identified as an orphan

C Payment for broker/transporter is detailed on the separate Broker/Transporter Volumetric Ranking Summary.

D De minimis party

AR000116

ORIGINAL

Malvern TCE Refund Site
Generator Volumetric Ranking Summary*
 (By Alphabetical Listing)

Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
Mars Electronics Inc.						110.99	0.40%	0.42%	\$36,083	\$15,740	\$51,822
Mars Money Systems						1.00	0.00%	0.00%			D
Materials Electronic Products						81.00	0.29%	0.30%	\$26,333	\$11,487	\$37,820
Matheison Instrument						20.10	0.07%	0.08%	\$6,534	\$2,850	\$9,385
Matthew International						3.00	0.01%	0.01%	\$975	\$425	\$1,401
McClarin Plastics						195.04	0.71%	0.73%	\$63,407	\$27,659	\$91,066
McGee Industries Inc.						97.00	0.35%	0.36%	\$31,534	\$13,756	\$45,290
McHugh Railroad Maint Equip Co.						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
Meade Packaging						8.00	0.03%	0.03%	\$2,601	\$1,135	\$3,735
Mel Fin	7.00	0.31%	0.31%	\$29,003	\$12,768	7.00	0.03%	0.03%	\$2,278	\$993	\$45,039
Mida Development						57.50	0.21%	0.22%	\$18,693	\$8,154	\$26,847
Mida Manufacturing	8.00	0.35%	0.00%	\$0	\$0	16.00	0.06%	0.00%	\$0	\$0	B
Mitchell Specialty						20.00	0.07%	0.00%	\$0	\$0	B
Model Finishing						25.00	0.09%	0.09%	\$8,127	\$3,545	\$11,673
Monitor Systems	4.00	0.18%	0.18%	\$16,573	\$7,296	4.00	0.01%	0.01%	\$1,300	\$567	\$25,736
Moore Products	73.00	3.20%	3.27%	\$302,456	\$133,150	73.00	0.26%	0.27%	\$23,732	\$10,352	\$469,691
Morning Call						355.00	1.29%	1.33%			A
N G K Metals						145.00	0.53%	0.54%	\$47,139	\$20,563	\$67,702
N W Controls	4.00	0.18%	0.18%			374.59	1.36%	1.40%			A
Napp Chemical						67.00	0.24%	0.25%	\$21,782	\$9,502	\$31,283
Narco Avionics						19.00	0.07%	0.07%	\$6,177	\$2,694	\$8,871
National Computer Systems						1.00	0.00%	0.00%			D
National Metal Crafters						16.00	0.06%	0.06%	\$5,202	\$2,269	\$7,471
National Products						1.00	0.00%	0.00%			D
National Solvents Inc.						156.00	0.57%	0.00%	\$0	\$0	B
Netzsch Inc.						110.00	0.40%	0.41%	\$35,761	\$15,599	\$51,360
Neutronics						10.00	0.04%	0.04%	\$3,251	\$1,418	\$4,669

* Superceding 4/27/98 VRS

A De maximus party and does not qualify for de minimis settlement offer.

B Party has been identified as an orphan

C Total payment for broker/transporter is detailed on the separate Broker/Transporter Volumetric Ranking Summary.

D De micromis party

AR000117

CBI ORIGINAL

Malvern TCE Superfund Site
Generator Volumetric Ranking Summary*
 (By Alphabetical Listing)

Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
Ni-Chro						3.00	0.01%	0.01%	\$975	\$425	\$1,401
Norco Finishing						11.00	0.04%	0.04%	\$3,576	\$1,560	\$5,136
North Industrial Chemicals						60.00	0.22%	0.22%			C
North Penn Polishing & Plating						52.55	0.19%	0.20%	\$17,084	\$7,452	\$24,536
Olympic Tool & Machine Co.						16.00	0.06%	0.06%	\$5,202	\$2,269	\$7,471
Oxford Metal Products						17.00	0.06%	0.06%	\$5,527	\$2,411	\$7,937
P H L Inc.						2.00	0.01%	0.01%	\$650	\$284	\$934
P P & L Northern Div. S.C.						257.27	0.93%	0.96%			A
Paris Business Forms						2.00	0.01%	0.01%	\$650	\$284	\$934
Penflex Inc.	42.00	1.84%	1.88%	\$174,016	\$76,607	125.31	0.45%	0.47%	\$40,738	\$17,771	\$309,131
Penguin Industries						119.00	0.43%	0.45%	\$38,687	\$16,876	\$55,562
Penn Airborn Product						15.31	0.06%	0.06%	\$4,977	\$2,171	\$7,148
Penn Dye & Finishing						15.00	0.05%	0.06%	\$4,876	\$2,127	\$7,004
Pennsbury Manufacturing						32.00	0.12%	0.00%	\$0	\$0	B
Pennwall Corp.						17.00	0.06%	0.06%	\$5,527	\$2,411	\$7,937
Penske V.D.A						8.00	0.03%	0.03%	\$2,601	\$1,135	\$3,735
Pepco Manufacturing Co.						2.00	0.01%	0.01%	\$650	\$284	\$934
Peripheral Dynamics						3.00	0.01%	0.01%	\$975	\$425	\$1,401
Perkin-Elmer						1.00	0.00%	0.00%			D
Permull/Sybron Corp.						3.00	0.01%	0.01%	\$975	\$425	\$1,401
Peter Paul Cadbury Co.						2.00	0.01%	0.01%	\$650	\$284	\$934
Petrocon	35.00	1.53%	1.57%	\$145,013	\$63,839	35.00	0.13%	0.13%	\$11,378	\$4,963	\$225,194
Petter Engraving Inc.						2.04	0.01%	0.01%	\$663	\$289	\$952
Phila. Electric Co. Oregon Maint. Shops						34.45	0.12%	0.13%	\$11,200	\$4,885	\$16,085
Philadelphia Rust Proof Co. Inc.						21.00	0.06%	0.06%	\$6,827	\$2,978	\$9,805
Philco Ford	6.00	0.26%	0.27%	\$24,859	\$10,944	6.00	0.02%	0.02%	\$1,951	\$851	\$38,605
Phillips & Jacob	4.00	0.18%	0.18%			4.00	0.01%	0.01%			C

* Superseding 4/27/98 VRS

A De maximus party and does not qualify for de minimis settlement offer.

B Party has been identified as an orphan.

C Payment for broker/transporter is detailed on the separate Broker/Transporter Volumetric Ranking Summary.

D De minimis party

AR000118

ORIGINAL

Malvern TCE Superfund Site
Generator Volumetric Ranking Summary*
 (By Alphabetical Listing)

Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
Photofabrication Chem. & Equip						7.19	0.03%	0.03%	\$2,337	\$1,020	\$3,357
Photolastic Inc.	11.00	0.48%	0.49%	\$45,578	\$20,084	11.00	0.04%	0.04%	\$3,578	\$1,560	\$70,775
Pilman Corp.						47.00	0.17%	0.18%	\$15,280	\$6,665	\$21,945
Plate Crafters Inc.						18.00	0.06%	0.08%	\$5,202	\$2,269	\$7,471
Plymouth Tube	9.00	0.39%	0.40%			568.37	2.05%	2.12%			A
Pocono Foundry Inc.						1.00	0.00%	0.00%			D
Polysciences						184.00	0.67%	0.69%	\$59,818	\$26,094	\$85,912
Ponderosa Disposal Co.						10.00	0.04%	0.00%			C, B
Porter Instruments						228.27	0.83%	0.85%			A
Precision Arts Mfg.						3.00	0.01%	0.01%	\$975	\$425	\$1,401
Princo Instruments Inc.						79.00	0.29%	0.30%	\$25,683	\$11,203	\$36,886
Prodelin Inc.						9.00	0.03%	0.03%	\$2,928	\$1,276	\$4,202
Pyco Inc.						5.00	0.02%	0.02%	\$1,625	\$709	\$2,335
Quaker City Chemicals	7.00	0.31%	0.31%			268.09	0.97%	1.00%			C, A
R & E Martin, Inc						116.29	0.42%	0.44%			C
R C A	32.00	1.40%	1.43%	\$132,584	\$58,367	177.00	0.64%	0.68%	\$57,542	\$25,101	\$273,594
R C Kletzing						2.50	0.01%	0.01%	\$813	\$355	\$1,167
R D L Inc.						23.00	0.08%	0.09%	\$7,477	\$3,262	\$10,739
R. R. Donnelley & Sons, Inc.						27.00	0.10%	0.10%	\$8,778	\$3,829	\$12,607
Reilly Plating						430.00	1.58%	1.61%			A
Repco	9.00	0.39%	0.00%	\$0	\$0	14.00	0.05%	0.00%	\$0	\$0	B
Resource Technology Services, Inc.						473.72	1.72%	1.77%			C, A
Reynolds Cleaners						5.00	0.02%	0.02%	\$1,625	\$709	\$2,335
Reynolds Metals						9.00	0.03%	0.03%	\$2,928	\$1,276	\$4,202
Richard Hurst						4.08	0.01%	0.00%	\$0	\$0	B
S G L						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
S K F Industries Inc.						133.36	0.48%	0.50%	\$43,355	\$18,912	\$62,267

* Superceding 4/27/98 VRS

A De maximus party and does not qualify for de minimis settlement offer.

B Party has been identified as an orphan.

C Total payment for broker/transporter is detailed on the separate Broker/Transporter Volumetric Ranking Summary

D De micromis party

AR000119

CBI ORIGINAL

Malvern TCE Superfund Site
Generator Volumetric Ranking Summary*
 (By Alphabetical Listing)

Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
S P D Technologies						87.00	0.32%	0.33%	\$28,284	\$12,338	\$40,621
S P S Technologies						167.00	0.60%	0.63%	\$54,291	\$23,683	\$77,974
Sandvik, Inc.						70.90	0.26%	0.27%	\$23,049	\$10,055	\$33,104
Sarivan Labs						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
Schmidt Brewery Co.						1.00	0.00%	0.00%			D
Schramm Inc.						1.00	0.00%	0.00%			D
Scolco Design Group Inc.						69.00	0.25%	0.26%	\$22,432	\$9,785	\$32,217
Scott Paper Corp.						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
Sermetal						8.00	0.02%	0.02%	\$1,951	\$851	\$2,801
Shared Medical Systems						3.27	0.01%	0.01%	\$1,083	\$464	\$1,527
Sharples, Inc.						18.00	0.08%	0.08%	\$5,202	\$2,269	\$7,471
Shur-Kut Supply Corp.						7.00	0.03%	0.03%	\$2,276	\$993	\$3,268
Sikkens Co.						18.00	0.07%	0.07%	\$5,852	\$2,553	\$8,404
Silvine						7.00	0.03%	0.03%	\$2,276	\$993	\$3,268
Simco Company Inc.						4.52	0.02%	0.02%	\$1,469	\$641	\$2,110
Simon Wrecking Company Inc.	715.51	31.33%	32.00%			983.51	3.58%	3.68%			A
Simonetta Brothers						53.28	0.19%	0.00%	\$0	\$0	B
Simpson Sign Co.						16.52	0.06%	0.00%	\$0	\$0	B
Singer Co.						3.00	0.01%	0.01%	\$975	\$425	\$1,401
Solar Atmospheres						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
Sotatarlo						57.00	0.21%	0.00%	\$0	\$0	B
Solid State Scientific						32.00	0.12%	0.12%	\$10,403	\$4,538	\$14,941
Sonic Instruments						15.00	0.05%	0.06%	\$4,878	\$2,127	\$7,004
Specialty Castings Inc.						33.00	0.12%	0.12%	\$10,728	\$4,680	\$15,408
Specialty Glass Products						1.00	0.00%	0.00%			D
Sperry Univac						2.00	0.01%	0.01%	\$650	\$284	\$934
Spra-Fin Inc.						72.41	0.28%	0.27%	\$23,540	\$10,269	\$33,809

* Superceding 4/27/98 VRS

A De maximus party and does not qualify for de minimis settlement offer.

B Party has been identified as an orphan

C yment for broker/transporter is detailed on the separate Broker/Transporter Volum rking Summary.

D De micromis party

AR000120

ORIGINAL

Malvern TCE Superfund Site
Generator Volume Ranking Summary*
 (By Alphabetical Listing)

Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
Sprague-Griffiths Div.						9.00	0.03%	0.03%	\$2,926	\$1,276	\$4,202
Stein Seal Co.						138.00	0.50%	0.52%	\$44,863	\$19,570	\$64,434
Sterling Fleishman Co.						3.11	0.01%	0.01%	\$1,011	\$441	\$1,452
Storm Weather Products						28.00	0.09%	0.10%	\$8,453	\$3,687	\$12,140
Sunroc Corp.	52.00	2.28%	2.33%			358.00	1.30%	1.34%			A
Suntemp Industries	9.00	0.39%	0.00%	\$0	\$0	9.00	0.03%	0.00%	\$0	\$0	B
Superior Metal Products						58.00	0.21%	0.22%	\$18,856	\$8,225	\$27,081
Superior Tube	21.00	0.92%	0.94%	\$87,008	\$38,303	71.00	0.26%	0.27%	\$23,082	\$10,069	\$158,462
Sweda/Hugin Group						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
Sweda/Lifton						25.00	0.09%	0.09%	\$8,127	\$3,545	\$11,673
Syntex/Star Grouping						728.00	2.83%	2.72%			A
Syntex Dental Products						115.00	0.42%	0.43%			A
Star Dental Corporation						610.00	2.21%	2.28%			A
Synthane Taylor Corp.						71.00	0.26%	0.27%	\$23,082	\$10,069	\$33,151
T R W Inc.						0.45	0.00%	0.00%			D
Techalloy Inc.						11.87	0.04%	0.04%	\$3,794	\$1,655	\$5,449
Technical Products						14.00	0.05%	0.05%	\$4,551	\$1,985	\$6,537
Technitrol	10.00	0.44%	0.45%	\$41,432	\$18,240	10.00	0.04%	0.04%	\$3,251	\$1,418	\$64,341
Tele Dynamics						6.00	0.02%	0.02%	\$1,951	\$851	\$2,801
Telegenix Inc.						30.00	0.11%	0.11%	\$9,753	\$4,254	\$14,007
Thermoseal Glass Corporation						2.00	0.01%	0.01%	\$650	\$284	\$934
Thomson Engineering Co.	0.02	0.00%	0.00%			0.02	0.00%	0.00%			D
Transducer Systems Inc.						17.00	0.06%	0.06%	\$5,527	\$2,411	\$7,937
Trend Instruments						31.18	0.11%	0.12%	\$10,137	\$4,422	\$14,558
Troemner, Henry						3.00	0.01%	0.01%	\$975	\$425	\$1,401
Tube Methods						1.00	0.00%	0.00%			D

* Superceding 4/27/98 VRS

A De maximus party and does not qualify for de minimis settlement offer.

B Party has been identified as an orphan

C Total payment for broker/transporter is detailed on the separate Broker/Transporter Volumetric Ranking Summary.

D De micromis party

AR000121

CBI ORIGINAL

**Malvern TCE Superfund Site
Generator Volumetric Ranking Summary***
(By Alphabetical Listing)

Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
Tudor Tech Inc.						1.00	0.00%	0.00%			D
U S A Ardec						11.00	0.04%	0.04%	\$3,576	\$1,560	\$5,136
U S Electronic Services Corp.	19.00	0.83%	0.00%	\$0	\$0	19.00	0.07%	0.00%	\$0	\$0	B
United Chem-Con Corp.						21.00	0.08%	0.00%	\$0	\$0	B
United Contamination Controls Inc.						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
USG Grouping						688.48	2.12%	2.20%			A
U S G Interiors						182.00	0.66%	0.68%			A
Floor Systems Inc.						71.40	0.26%	0.27%			A
Donn Corporation						292.00	1.06%	1.08%			A
Davey Products						41.00	0.15%	0.15%			A
Valley Forge Laboratories, Inc.						7.00	0.03%	0.03%	\$2,276	\$993	\$3,268
Valley Forge Tape & Label Co						122.36	0.44%	0.46%	\$39,779	\$17,352	\$57,131
Victualic Company of America						9.00	0.03%	0.03%	\$2,928	\$1,276	\$4,202
Vishay Resistive Systems						241.00	0.87%	0.90%			A
Viz Manufacturing	104.00	4.55%	4.65%			819.84	2.97%	3.07%			A
Waste Conversion						104.00	0.38%	0.39%			C
Wave Energy Systems						3.00	0.01%	0.00%	\$0	\$0	B
Welding Co.						1.00	0.00%	0.00%			D
Wellex Inc.						61.00	0.22%	0.23%	\$19,831	\$8,651	\$28,482
Westcode Inc.						28.22	0.10%	0.11%	\$9,174	\$4,002	\$13,176
Western Electric	139.00	6.09%	6.22%			2083.00	7.54%	7.80%			A
Westinghouse						23.00	0.08%	0.09%	\$7,477	\$3,262	\$10,739
Wilkinson Industries						3.00	0.01%	0.00%	\$0	\$0	B
Wiltronics						0.30	0.00%	0.00%			D
Woodstream Corp.						5.00	0.02%	0.02%	\$1,625	\$709	\$2,335
Xynatech Inc.						39.00	0.14%	0.15%	\$12,679	\$5,531	\$18,210

* Superceding 4/27/98 VRS

A De maximis party and does not qualify for de minimis settlement offer.

B Party has been identified as an orphan.

C Payment for broker/transporter is detailed on the separate Broker/Transporter Volumetric Ranking Summary.

D De minimis party

AR000122

ORIGINAL

Malvern TCE erfund Site
Generator Volumetric Ranking Summary*
 (By Alphabetical Listing)

Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
Yuasa-Exide Battery Corp.						18.13	0.07%	0.07%	\$5,894	\$2,571	\$8,465
Zenith Products Corp.						63.00	0.23%	0.24%	\$20,481	\$8,934	\$29,415
De Minimis Total:	873.00	25.09%	23.48%	\$2,158,627	\$950,287	9884.37	35.69%	33.61%	\$2,785,132	\$1,219,287	\$7,123,333
Total:	2283.71	100.00%	100.00%			27668.87	100.00%	100.00%			

* Superceding 4/27/98 VRS

A De maximus party and does not qualify for de minimis settlement offer.

B Party has been identified as an orphan.

C Total payment for broker/transporter is detailed on the separate Broker/Transporter Volumetric Ranking Summary.

D De minimis party

AR000123

ORIGINAL

**Malvern TCE Superfund Site
Explanation Sheet for the Final Volumetric Ranking Summary (VRS)**

The following provides an explanation of the information provided in the attached Malvern TCE Superfund Site (the Site) Final Volumetric Ranking Summary (VRS). Please refer to the example provided below for an illustration of the process used to calculate individual total payment.¹

PRP Name	FDA Drums	FDA %	FDA Revised %	FDA Cost	FDA Premium	MPA Drums	MPA %	MPA Revised %	MPA Cost	MPA Premium	Total Payment
ABC Corporation	34	1.49 %	1.52 %	\$141,249	\$62,182	82	0.29 %	0.30 %	\$26,325	\$11,483	\$241,239

PRP Name = The name of the specific potentially responsible party (PRP). Subsidiaries may be listed separately from parent companies; therefore, please review the VRS in its entirety to identify company subsidiaries that may have done business with Chemclene Corporation.

FDA Drums = The total number for drums sent to the Site before August 1, 1975.

FDA % = The total number of drums sent by the PRP prior to August 1, 1975, divided by the total number of documented drums received by Chemclene Corporation prior to August 1, 1975, multiplied by 100.

FDA Revised % = The total number of drums sent by the PRP prior to August 1, 1975, divided by the FDA total number of all non-orphan² drums received by Chemclene Corporation prior to August 1, 1975, multiplied by 100.

FDA Cost = The FDA Revised % divided by 100 and multiplied by \$9,263,078, the total past cost³ and estimated future cost associated with the FDA.

FDA Premium = The FDA Revised % divided by 100 and multiplied by the future estimated costs for the FDA (\$8,155,725) multiplied by the premium (50%).

MPA Drums = The total number of drums received at the Site, regardless of the date, for which the PRP is responsible.

MPA % = The total number of drums sent by the PRP, regardless of date, divided by the total number of documented drums received by Chemclene Corporation, multiplied by 100.

MPA Revised % = The total number of drums sent by the PRP, regardless of date, divided by the total number of non-orphan drums² received by Chemclene Corporation, regardless of date, multiplied by 100.

MPA Cost = MPA Revised % divided by 100 and multiplied by \$8,680,799, the total past cost³ and estimated future cost associated with the MPA.

MPA Premium = The MPA Revised % divided by 100 and multiplied by the future estimated costs for the MPA (\$7,573,426) multiplied by the premium (50%).

Total Payment = FDA Cost + FDA Premium + MPA Cost + MPA Premium.

¹ The FDA Cost, FDA Premium, MPA Cost, and MPA Premium figures are rounded to zero decimal places for display purposes only. The full number is used in the calculation of the Total Payment.

² Non-orphan drums are drums for which there is either a viable generator or a viable broker/transporter.

³ The total past cost for the Site as of June 17, 1997, is \$2,214,705.00. Half of this cost was allocated to the FDA, with the other half being allocated to the MPA.

AR000091

ORIGINAL

Malvern TCE Superfund Site
Generator Volumetric Ranking Summary*
 (By Descending Order)

Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
Western Electric	139.00	6.09%	6.22%			2063.00	7.54%	7.80%			A
Hamilton Technology, Inc.						1234.00	4.47%	4.62%			A
Simon Wrecking Company Inc.	715.51	31.33%	32.00%			983.51	3.56%	3.68%			A
Hamilton Walch Co.	197.00	8.63%	8.81%			904.00	3.27%	3.39%			A
Viz Manufacturing	104.00	4.55%	4.65%			819.84	2.97%	3.07%			A
Fischer & Porter Co/Andrews Glass	93.00	4.07%	4.16%			794.50	2.88%	2.98%			A
Syntex/Star Grouping											
Star Dental Corporation						610.00	2.21%	2.28%			D, A
Plymouth Tube	9.00	0.39%	0.40%			566.37	2.05%	2.12%			A
Armstrong Cork Co.						522.70	1.89%	1.96%			A
Burroughs Corp.	147.00	6.44%	6.58%			519.54	1.88%	1.95%			A
General Motors Corporation	5.00	0.22%	0.22%			517.00	1.87%	1.94%			A
Cyprus Foote Mineral Co.						495.00	1.79%	1.85%			A
Resource Technology Services, Inc.						473.72	1.72%	1.77%			C, A
Hamilton Precision Metals						472.08	1.71%	1.77%			A
Reilly Plating						430.00	1.56%	1.61%			A
LaFrance Corp.	12.00	0.53%	0.54%			415.00	1.50%	1.55%			A
N W Controls	4.00	0.18%	0.18%			374.59	1.36%	1.40%			A
Sunroc Corp.	52.00	2.28%	2.33%			358.00	1.30%	1.34%			A
Morning Call						355.00	1.29%	1.33%			A
Delber Products						328.50	1.19%	1.23%			A
USG Grouping											
Donn Corporation						292.00	1.06%	1.09%			D, A

* Superceding 4/27/98 VRS

A De maximus party and does not qualify for de minimis settlement offer.

B Party has been identified as an orphan.

C Total payment for broker/transporter is detailed on the separate Broker/Transporter Volumetric Ranking Summary.

D If a company appears under a grouping, please refer to the combined entities throughout Alphabetical Volumetric Ranking Summary

E De minimis party.

AR000092

ORIGINAL

Malvern TCE Refund Site
Generator Volumetric Ranking Summary*
 (By Descending Order)

Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
Kim Manufacturing						283.00	1.03%	1.06%			A
ALCOA	40.00	1.75%	1.79%			275.00	1.00%	1.03%			A
Quaker City Chemicals	7.00	0.31%	0.31%			268.09	0.97%	1.00%			C, A
P P & L Northern Div. S.C.						257.27	0.93%	0.96%			A
Aydn						251.82	0.91%	0.94%			A
Beckett Corporation						250.55	0.91%	0.94%			A
A. S. Koch Corp.	137.00	6.00%	6.13%			250.00	0.91%	0.94%			A
Vishay Resistive Systems						241.00	0.87%	0.90%			A
Handy & Harman Tube Co. Inc						229.18	0.83%	0.86%			A
Porter Instruments						228.27	0.83%	0.85%			A
Electronic Display Systems/Hercules						224.00	0.81%	0.84%			A
Action Manufacturing Company	49.18	2.15%	2.20%			220.31	0.80%	0.83%			A
Cabot Grouping											
Kawecki Berylo						218.00	0.79%	0.82%			D, A
John Evan's & Sons, Inc.						203.29	0.74%	0.76%	\$66,089	\$28,829	\$94,918
Defense Reutilization & Marketing Grouping											
DRMS/PNSY						200.72	0.73%	0.75%			D, A
Electro Platers of York Inc.						199.36	0.72%	0.75%	\$64,811	\$28,272	\$93,083
McClarin Plastics						195.04	0.71%	0.73%	\$63,407	\$27,659	\$91,066
General Electric						191.00	0.69%	0.72%	\$62,094	\$27,086	\$89,180
Lavelle Aircraft Co.						189.55	0.69%	0.71%	\$61,622	\$26,881	\$88,503
Polysciences						184.00	0.67%	0.69%	\$59,818	\$26,094	\$85,912

* Superseding 4/27/98 VRS

A De maximis party and does not qualify for de minimis settlement offer.

B Party has been identified as an orphan.

C Total payment for broker/transporter is detailed on the separate Broker/Transporter Volumetric Ranking Summary.

D If your company appears under a grouping, please refer to the combined entities throughout the alphabetical Volumetric Ranking Summary.

E De micromis party.

AR000093

ORIGINAL

Malvern TCE Superfund Site
Generator Volumetric Ranking Summary*
 (By Descending Order)

Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
USG Grouping											
U S G Interiors						182.00	0.66%	0.66%			D, A
R C A	32.00	1.40%	1.43%	\$132,584	\$58,367	177.00	0.64%	0.66%	\$57,542	\$25,101	\$273,594
S P S Technologies						167.00	0.60%	0.63%	\$54,291	\$23,683	\$77,974
National Solvents Inc.						156.00	0.57%	0.00%	\$0	\$0	B
H - V Industries, Inc.						151.50	0.55%	0.57%	\$49,252	\$21,485	\$70,737
Leeds & Northrop						145.72	0.53%	0.55%	\$47,373	\$20,665	\$68,038
N G K Metals						145.00	0.53%	0.54%	\$47,139	\$20,563	\$67,702
Cabot Grouping											
Cabot Berylco						143.00	0.52%	0.54%			D, A
Stein Seal Co.						138.00	0.50%	0.52%	\$44,863	\$19,570	\$64,434
S K F Industries Inc.						133.38	0.48%	0.50%	\$43,355	\$18,912	\$62,267
Amp Corp.	34.00	1.49%	1.52%	\$140,870	\$62,015	133.00	0.48%	0.50%	\$43,238	\$18,861	\$264,984
Bishop Tube Co.	60.00	2.63%	2.68%	\$248,594	\$109,438	130.00	0.47%	0.49%	\$42,263	\$18,436	\$418,731
F B F Industries Inc.						130.00	0.47%	0.49%	\$42,263	\$18,436	\$60,698
Penflex Inc.	42.00	1.84%	1.88%	\$174,016	\$76,607	125.31	0.45%	0.47%	\$40,738	\$17,771	\$309,131
Valley Forge Tape & Label Co.						122.38	0.44%	0.46%	\$39,779	\$17,352	\$57,131
Dorado Fabrics						119.00	0.43%	0.00%	\$0	\$0	B
Penguin Industries						119.00	0.43%	0.45%	\$38,687	\$16,876	\$55,562
R & E Martin, Inc.						116.29	0.42%	0.44%			C
Syntex/Star Grouping											
Syntex Dental Products						115.00	0.42%	0.43%			D, A
James Spring & Wire Co.	2.00	0.09%	0.09%	\$8,286	\$3,648	113.00	0.41%	0.42%	\$36,736	\$16,025	\$64,695

* Superceding 4/27/98 VRS

A De maximus party and does not qualify for de minimis settlement offer

B Party has been identified as an orphan.

C Total payment for broker/transporter is detailed on the separate Broker/Transporter Volumetric Ranking Summary

D If company appears under a grouping, please refer to the combined entities throughout Alphabetical Volumetric Ranking Summary

E omis party.

AR000094

ORIGINAL

Malvern TCE erfund Site
Generator Volumetric Ranking Summary*
 (By Descending Order)

Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
Giles & Ransome						112.00	0.41%	0.42%	\$36,411	\$15,883	\$52,294
Mars Electronics Inc.						110.99	0.40%	0.42%	\$36,083	\$15,740	\$51,822
Netzsch Inc.						110.00	0.40%	0.41%	\$35,761	\$15,599	\$51,360
Waste Conversion						104.00	0.38%	0.39%			C
Empire Abrasive & Equipment Corp.						103.80	0.38%	0.39%	\$33,745	\$14,720	\$48,465
McGee Industries Inc.						97.00	0.35%	0.36%	\$31,534	\$13,756	\$45,290
K - D Tool Manufacturing						95.00	0.34%	0.36%	\$30,884	\$13,472	\$44,357
Malco						94.04	0.34%	0.35%	\$30,572	\$13,336	\$43,908
S P D Technologies						87.00	0.32%	0.33%	\$28,284	\$12,338	\$40,621
Acro Labels						86.00	0.31%	0.32%	\$27,958	\$12,196	\$40,154
J W Rex Co.	21.00	0.92%	0.94%	\$87,008	\$38,303	86.00	0.31%	0.32%	\$27,958	\$12,196	\$165,466
Chobert Associates						85.15	0.31%	0.32%	\$27,682	\$12,075	\$39,757
High Energy Company						84.64	0.31%	0.32%	\$27,516	\$12,003	\$39,519
Container Research Corporation						83.00	0.30%	0.31%	\$26,983	\$11,771	\$38,754
Clifton Precision	34.00	1.49%	1.52%	\$140,870	\$62,015	82.00	0.30%	0.31%	\$26,658	\$11,629	\$241,172
Materials Electronic Products						81.00	0.29%	0.30%	\$26,333	\$11,487	\$37,820
Princo Instruments Inc.						79.00	0.29%	0.30%	\$25,683	\$11,203	\$36,886
Aston-Hill Co.						74.00	0.27%	0.00%	\$0	\$0	B
Defense Reutilization & Marketing Grouping											
DRMO Knox						74.00	0.27%	0.28%			D, A
Moore Products	73.00	3.20%	3.27%	\$302,456	\$133,150	73.00	0.26%	0.27%	\$23,732	\$10,352	\$469,691
Spra-Fin Inc.						72.41	0.26%	0.27%	\$23,540	\$10,269	\$33,809
USG Grouping											
Floor Systems Inc.						71.40	0.26%	0.27%			D, A

* Superceding 4/27/98 VRS

A De maximus party and does not qualify for de minimis settlement offer.

B Party has been identified as an orphan.

C Total payment for broker/transporter is detailed on the separate Broker/Transporter Volumetric Ranking Summary.

D If your company appears under a grouping, please refer to the combined entities throughout the alphabetical Volumetric Ranking Summary.

E De micromis party

AR000095

CS1 ORIGINAL

Malvern TCE Superfund Site
Generator Volumetric Ranking Summary*
 (By Descending Order)

Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
Superior Tube	21.00	0.92%	0.94%	\$87,008	\$38,303	71.00	0.26%	0.27%	\$23,082	\$10,069	\$158,462
Synthane Taylor Corp.						71.00	0.26%	0.27%	\$23,082	\$10,069	\$33,151
Sandvik, Inc.						70.90	0.26%	0.27%	\$23,049	\$10,055	\$33,104
Amchem						70.00	0.25%	0.26%	\$22,757	\$9,927	\$32,684
Scolco Design Group Inc.						69.00	0.25%	0.26%	\$22,432	\$9,785	\$32,217
Gould Inc.						68.00	0.25%	0.25%	\$22,107	\$9,643	\$31,750
Napp Chemical						67.00	0.24%	0.25%	\$21,782	\$9,502	\$31,283
Globe Solvents						66.38	0.24%	0.00%	\$0	\$0	B
Continental Vanguard, Inc.						65.45	0.24%	0.25%			C
Zenith Products Corp.						63.00	0.23%	0.24%	\$20,481	\$8,934	\$29,415
Elco Corporation	61.00	2.67%	2.73%	\$252,738	\$111,262	61.00	0.22%	0.23%	\$19,831	\$8,651	\$392,481
Welox Inc.						61.00	0.22%	0.23%	\$19,831	\$8,651	\$28,482
North Industrial Chemicals						60.00	0.22%	0.22%			C
Graphic Packaging Corp.						59.57	0.22%	0.22%	\$19,366	\$8,448	\$27,814
Superior Metal Products						58.00	0.21%	0.22%	\$18,856	\$8,225	\$27,081
Mida Development						57.50	0.21%	0.22%	\$18,693	\$8,154	\$26,847
Solitario						57.00	0.21%	0.00%	\$0	\$0	B
Defense Reutilization & Marketing Grouping											
DRMO PHILADELPHIA						54.00	0.20%	0.20%			D, A
Simonetta Brothers						53.28	0.19%	0.00%	\$0	\$0	B
North Penn Polishing & Plating						52.55	0.19%	0.20%	\$17,084	\$7,452	\$24,536
Ark Products	5.00	0.22%	0.22%	\$20,716	\$9,120	52.00	0.19%	0.19%	\$16,905	\$7,374	\$54,115
East West Label Co. Inc.						49.50	0.18%	0.19%	\$16,092	\$7,020	\$23,112
Delco Wire & Cable, Inc. / Delco Elec.						47.00	0.17%	0.00%	\$0	\$0	B

* Superceding 4/27/98 VRS

A De maximus party and does not qualify for de minimis settlement offer.

B Party has been identified as an orphan

C Total payment for broker/transporter is detailed on the separate Broker/Transporter Volumetric Ranking Summary

D If company appears under a grouping, please refer to the combined entities through Alphabetical Volumetric Ranking Summary

E De minimis party.

AR000096

ORIGINAL

Malvern TCE Refund Site
Generator Volumetric Ranking Summary*
 (By Descending Order)

Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
Pitman Corp.						47.00	0.17%	0.18%	\$15,280	\$6,665	\$21,945
M Q S Inspection Inc./Magnalux						46.00	0.17%	0.17%	\$14,954	\$6,523	\$21,478
A & L Handles						43.00	0.16%	0.16%	\$13,979	\$6,098	\$20,077
J & J Spill						43.00	0.16%	0.16%			C, A
Lancaster Machinery Co.						43.00	0.16%	0.16%	\$13,979	\$6,098	\$20,077
Armetek, Inc.	9.00	0.39%	0.40%	\$37,289	\$16,416	42.18	0.15%	0.16%	\$13,713	\$5,982	\$73,399
Athena Controls						42.00	0.15%	0.16%	\$13,654	\$5,956	\$19,610
Biddle Instrument Company						42.00	0.15%	0.16%	\$13,654	\$5,956	\$19,610
Cook Specialty Company						42.00	0.15%	0.16%	\$13,654	\$5,956	\$19,610
USG Grouping											
Davey Products						41.00	0.15%	0.15%			D, A
Adelphia Graphics Systems						40.05	0.15%	0.15%	\$13,020	\$5,680	\$18,700
C S S International Corp.	8.00	0.35%	0.36%	\$33,148	\$14,592	39.88	0.14%	0.15%	\$12,958	\$5,653	\$66,349
Chem Par						39.00	0.14%	0.15%	\$12,679	\$5,531	\$18,210
Formosa Plastics						39.00	0.14%	0.15%	\$12,679	\$5,531	\$18,210
Xynatech Inc.						39.00	0.14%	0.15%	\$12,679	\$5,531	\$18,210
Eaton	38.00	1.58%	1.61%	\$149,157	\$65,663	38.00	0.14%	0.14%	\$12,354	\$5,389	\$232,562
Asplundh Manufac. Co.						37.00	0.13%	0.14%	\$12,029	\$5,247	\$17,276
Brumbaugh Industries						37.00	0.13%	0.14%	\$12,029	\$5,247	\$17,276
Carvel Hall Inc.						37.00	0.13%	0.14%	\$12,029	\$5,247	\$17,276
Manographics						36.84	0.13%	0.14%	\$11,977	\$5,224	\$17,201
Allister Mfg.						36.00	0.13%	0.13%	\$11,704	\$5,105	\$16,809
Decision Data						36.00	0.13%	0.13%	\$11,704	\$5,105	\$16,809
Petrocon	35.00	1.53%	1.57%	\$145,013	\$63,839	35.00	0.13%	0.13%	\$11,378	\$4,963	\$225,194

* Superseding 4/27/98 VRS

A De maximus party and does not qualify for de minimis settlement offer

B Party has been identified as an orphan

C Total payment for broker/transporter is detailed on the separate Broker/Transporter Volumetric Ranking Summary

D If your company appears under a grouping, please refer to the combined entities throughout the alphabetical Volumetric Ranking Summary

E De micromis party

AR000097

CBI ORIGINAL

Malvern TCE Superfund Site
Generator Volumetric Ranking Summary*
 (By Descending Order)

Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
Phila. Electric Co. Oregon Maint. Shops						34.45	0.12%	0.13%	\$11,200	\$4,885	\$16,085
Accuracy Scientific	3.00	0.13%	0.13%	\$12,430	\$5,472	34.18	0.12%	0.13%	\$11,112	\$4,847	\$33,861
Electroloy						33.00	0.12%	0.12%	\$10,728	\$4,680	\$15,408
Specialty Castings Inc.						33.00	0.12%	0.12%	\$10,728	\$4,680	\$15,408
Control Switch	3.00	0.13%	0.00%	\$0	\$0	32.48	0.12%	0.00%	\$0	\$0	B
B. P. Oil						32.00	0.12%	0.12%	\$10,403	\$4,538	\$14,941
Pennsbury Manufacturing						32.00	0.12%	0.00%	\$0	\$0	B
Solid State Scientific						32.00	0.12%	0.12%	\$10,403	\$4,538	\$14,941
Trend Instruments						31.18	0.11%	0.12%	\$10,137	\$4,422	\$14,558
Heel Co.						31.00	0.11%	0.12%	\$10,078	\$4,396	\$14,474
Display Corporation of America						30.00	0.11%	0.11%	\$9,753	\$4,254	\$14,007
Telegenix Inc.						30.00	0.11%	0.11%	\$9,753	\$4,254	\$14,007
Johnson-Matthey						29.55	0.11%	0.11%	\$9,607	\$4,191	\$13,797
Laminators Inc.						29.00	0.11%	0.11%	\$9,428	\$4,113	\$13,540
Westcode Inc.						28.22	0.10%	0.11%	\$9,174	\$4,002	\$13,176
Anchor Darling Co.						28.00	0.10%	0.10%	\$9,103	\$3,971	\$13,074
G. K. Garrett Corp.						27.45	0.10%	0.10%	\$8,924	\$3,893	\$12,817
Cabot Grouping											
Cabot Wrought Products						27.00	0.10%	0.10%			D, A
Jetshapes Inc.						27.00	0.10%	0.10%	\$8,778	\$3,829	\$12,607
R. R. Donnelley & Sons, Inc.						27.00	0.10%	0.10%	\$8,778	\$3,829	\$12,607
Kawneer Corp.						26.00	0.09%	0.10%	\$8,453	\$3,687	\$12,140
London Harness & Cable Co.						26.00	0.09%	0.10%	\$8,453	\$3,687	\$12,140
Storm Weather Products						26.00	0.09%	0.10%	\$8,453	\$3,687	\$12,140

* Superceding 4/27/98 VRS

A De maximus party and does not qualify for de minimis settlement offer.

B Party has been identified as an orphan.

C Total payment for broker/transporter is detailed on the separate Broker/Transporter Volumetric Ranking Summary.

D If a company appears under a grouping, please refer to the combined entities throughout the Alphabetical Volumetric Ranking Summary.

E Orphan party.

AR000098

CBI ORIGINAL

Malvern TCE erfund Site
Generator Volumetric Ranking Summary*
 (By Descending Order)

Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
Accumetrics						25.00	0.09%	0.09%	\$8,127	\$3,545	\$11,673
Model Finishing						25.00	0.09%	0.09%	\$8,127	\$3,545	\$11,673
Sweda/Liton						25.00	0.09%	0.09%	\$8,127	\$3,545	\$11,673
Frazer-Volpe Corporation						23.82	0.09%	0.09%	\$7,744	\$3,378	\$11,122
Amunee Mig. Co						23.00	0.08%	0.09%	\$7,477	\$3,262	\$10,739
Gas Springs						23.00	0.08%	0.09%	\$7,477	\$3,262	\$10,739
R D L Inc.						23.00	0.08%	0.09%	\$7,477	\$3,262	\$10,739
Westinghouse						23.00	0.08%	0.09%	\$7,477	\$3,262	\$10,739
Boemer Engineering	4.00	0.18%	0.18%	\$16,573	\$7,298	22.00	0.08%	0.08%	\$7,152	\$3,120	\$34,141
Bendru Company						21.00	0.08%	0.08%	\$6,827	\$2,978	\$9,805
Candell Metals						21.00	0.08%	0.08%	\$6,827	\$2,978	\$9,805
Data Media Inc						21.00	0.08%	0.08%	\$6,827	\$2,978	\$9,805
Philadelphia Rust Proof Co. Inc.						21.00	0.08%	0.08%	\$6,827	\$2,978	\$9,805
United Chem-Con Corp.						21.00	0.08%	0.00%	\$0	\$0	B
Matheson Instrument						20.10	0.07%	0.08%	\$6,534	\$2,850	\$9,385
Cantol Inc.						20.09	0.07%	0.08%	\$6,531	\$2,849	\$9,380
Contamination Control, Inc.						20.00	0.07%	0.07%	\$6,502	\$2,836	\$9,338
Mitchell Specialty						20.00	0.07%	0.00%	\$0	\$0	B
Narco Avionics						19.00	0.07%	0.07%	\$6,177	\$2,694	\$8,871
U S Electronic Services Corp.	19.00	0.83%	0.00%	\$0	\$0	19.00	0.07%	0.00%	\$0	\$0	B
Deltron Incorporated						18.55	0.07%	0.07%	\$6,031	\$2,631	\$8,661
Kulicke & Soffa						18.54	0.07%	0.07%	\$6,027	\$2,629	\$8,657
Yuasa-Evide Battery Corp.						18.13	0.07%	0.07%	\$5,894	\$2,571	\$8,465
David K. Robson, Inc.						18.00	0.07%	0.07%	\$5,852	\$2,553	\$8,404
Siddons Co.						18.00	0.07%	0.07%	\$5,852	\$2,553	\$8,404
Airworks						17.00	0.06%	0.06%	\$5,527	\$2,411	\$7,937

* Superceding 4/27/98 VRS

A De maximus party and does not qualify for de minimis settlement offer.

B Party has been identified as an orphan.

C Total payment for broker/transporter is detailed on the separate Broker/Transporter Volumetric Ranking Summary.

D If your company appears under a grouping, please refer to the combined entities throughout the alphabetical Volumetric Ranking Summary

E De micromis party

AR000099

ORIGINAL

**Malvern TCE Superfund Site
Generator Volumetric Ranking Summary***
(By Descending Order)

Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
C. K. Systematics, Inc.						17.00	0.06%	0.06%	\$5,527	\$2,411	\$7,937
Cobra Wire & Cable Co.						17.00	0.06%	0.06%	\$5,527	\$2,411	\$7,937
Oxford Metal Products						17.00	0.06%	0.06%	\$5,527	\$2,411	\$7,937
Pennwall Corp.						17.00	0.06%	0.06%	\$5,527	\$2,411	\$7,937
Transducer Systems Inc.						17.00	0.08%	0.06%	\$5,527	\$2,411	\$7,937
Simpson Sign Co.						16.52	0.06%	0.00%	\$0	\$0	B
C W Industries						16.04	0.06%	0.06%	\$5,215	\$2,275	\$7,489
Mida Manufacturing	8.00	0.35%	0.00%	\$0	\$0	16.00	0.06%	0.00%	\$0	\$0	B
National Metal Crafters						16.00	0.06%	0.06%	\$5,202	\$2,269	\$7,471
Olympic Tool & Machine Co.						16.00	0.06%	0.06%	\$5,202	\$2,269	\$7,471
Plate Crafters Inc.						16.00	0.06%	0.06%	\$5,202	\$2,269	\$7,471
Sharples, Inc.						16.00	0.06%	0.06%	\$5,202	\$2,269	\$7,471
Diversified Electronic Corp.						15.53	0.06%	0.06%	\$5,049	\$2,202	\$7,251
Penn Airborn Product						15.31	0.06%	0.06%	\$4,977	\$2,171	\$7,148
Aero Plating						15.00	0.05%	0.00%	\$0	\$0	B
Concurrent Computer Corp.						15.00	0.05%	0.06%	\$4,876	\$2,127	\$7,004
Gateway Terminal						15.00	0.05%	0.06%	\$4,876	\$2,127	\$7,004
Penn Dye & Finishing						15.00	0.05%	0.06%	\$4,876	\$2,127	\$7,004
Sonic Instruments						15.00	0.05%	0.06%	\$4,876	\$2,127	\$7,004
Classic Coachworks						14.00	0.05%	0.05%	\$4,551	\$1,985	\$6,537
Hurst Perf.						14.00	0.05%	0.05%	\$4,551	\$1,985	\$6,537
Repco	9.00	0.39%	0.00%	\$0	\$0	14.00	0.05%	0.00%	\$0	\$0	B
Technical Products						14.00	0.05%	0.05%	\$4,551	\$1,985	\$6,537
Boetel Industries						13.00	0.05%	0.05%	\$4,226	\$1,844	\$6,070
Bunnell Plastics, Inc.						13.00	0.05%	0.05%	\$4,226	\$1,844	\$6,070

* Superseding 4/27/98 VRS

A De maximus party and does not qualify for de minimis settlement offer.

B Party has been identified as an orphan

C Total payment for broker/transporter is detailed on the separate Broker/Transporter Volumetric Ranking Summary

D If company appears under a grouping, please refer to the combined entities throughout Alphabetical Volumetric Ranking Summary

E L mis party.

AR000100

ORIGINAL

Malvern TCE erfund Site
Generator Volumetric Ranking Summary*
 (By Descending Order)

Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
Cabot Grouping											
Cabot Company						13.00	0.05%	0.05%			D, A
Defense Reutilization & Marketing Grouping											
Madison, IN						13.00	0.05%	0.05%			D, A
E/M Corporation						13.00	0.05%	0.05%	\$4,228	\$1,844	\$6,070
Fabric Development						13.00	0.05%	0.05%	\$4,228	\$1,844	\$6,070
Imperial Specialty						13.00	0.05%	0.05%	\$4,228	\$1,844	\$6,070
Kosempel						13.00	0.05%	0.05%	\$4,228	\$1,844	\$6,070
Bo Peep Cleaners						12.63	0.05%	0.05%	\$4,108	\$1,791	\$5,897
Connecticut Mixed						12.00	0.04%	0.00%	\$0	\$0	B
Crown Marketing Equipment Co.						12.00	0.04%	0.04%	\$3,901	\$1,702	\$5,603
Formation Inc.						12.00	0.04%	0.04%	\$3,901	\$1,702	\$5,603
K S O Industries						12.00	0.04%	0.00%	\$0	\$0	B
Mack Wayne Plastics						12.00	0.04%	0.00%	\$0	\$0	B
Techalloy Inc.						11.87	0.04%	0.04%	\$3,794	\$1,655	\$5,449
Norco Finishing						11.00	0.04%	0.04%	\$3,578	\$1,560	\$5,136
Photolastic Inc.	11.00	0.48%	0.49%	\$45,576	\$20,064	11.00	0.04%	0.04%	\$3,578	\$1,560	\$70,775
U S A Ardec						11.00	0.04%	0.04%	\$3,578	\$1,560	\$5,136
Delta Flag Co.						10.22	0.04%	0.04%	\$3,322	\$1,449	\$4,772
Ames Supply						10.00	0.04%	0.00%	\$0	\$0	B
Neutronics						10.00	0.04%	0.04%	\$3,251	\$1,418	\$4,669
Ponderosa Disposal Co.						10.00	0.04%	0.00%			C, B
Technitrol	10.00	0.44%	0.45%	\$41,432	\$18,240	10.00	0.04%	0.04%	\$3,251	\$1,418	\$64,341
A I W Frank						9.92	0.04%	0.00%	\$0	\$0	B
Agitar, Div. of Air Buensod, Inc.						9.00	0.03%	0.00%	\$0	\$0	B

* Superseding 4/27/98 VRS

A De maximus party and does not qualify for de minimis settlement offer.

B Party has been identified as an orphan

C Total payment for broker/transporter is detailed on the separate Broker/Transporter Volumetric Ranking Summary.

D If your company appears under a grouping, please refer to the combined entities throughout the alphabetical Volumetric Ranking Summary

E De micromis party

AR000101

ORIGINAL

**Malvern TCE Superfund Site
Generator Volumetric Ranking Summary***
(By Descending Order)

Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
American Electronics Laboratories						9.00	0.03%	0.03%	\$2,926	\$1,276	\$4,202
Delaware Container Co. Inc.						9.00	0.03%	0.00%	\$0	\$0	B
DeVibiss, Inc.						9.00	0.03%	0.03%	\$2,926	\$1,276	\$4,202
Hahn Truck Sales						9.00	0.03%	0.00%	\$0	\$0	B
Prodelin Inc.						9.00	0.03%	0.03%	\$2,926	\$1,276	\$4,202
Reynolds Metals						9.00	0.03%	0.03%	\$2,926	\$1,276	\$4,202
Sprague-Griffiths Div.						9.00	0.03%	0.03%	\$2,926	\$1,276	\$4,202
Suntemp Industries	9.00	0.38%	0.00%	\$0	\$0	9.00	0.03%	0.00%	\$0	\$0	B
Victualic Company of America						9.00	0.03%	0.03%	\$2,926	\$1,276	\$4,202
Elisco						8.38	0.03%	0.03%	\$2,718	\$1,186	\$3,903
Defense Reutilization & Marketing Grouping											
Picatinny Arsenal						8.26	0.03%	0.03%			D, A
Dentronix, Inc.						8.04	0.03%	0.03%	\$2,614	\$1,140	\$3,754
A & J Screw Machine Products						8.00	0.03%	0.03%	\$2,601	\$1,135	\$3,735
Berg Laboratories						8.00	0.03%	0.03%	\$2,601	\$1,135	\$3,735
Drexelbrook Engineering						8.00	0.03%	0.03%	\$2,601	\$1,135	\$3,735
Fairfax Cleaners						8.00	0.03%	0.03%	\$2,601	\$1,135	\$3,735
Meade Packaging						8.00	0.03%	0.03%	\$2,601	\$1,135	\$3,735
Penske V.D.A.						8.00	0.03%	0.03%	\$2,601	\$1,135	\$3,735
Photofabrication Chem. & Equip						7.19	0.03%	0.03%	\$2,337	\$1,020	\$3,357
Herman Goldner Co. Inc.						7.09	0.03%	0.03%	\$2,305	\$1,005	\$3,310
Bilgram Gear Company						7.00	0.03%	0.03%	\$2,276	\$993	\$3,268
Fendt Finding Co., Inc.						7.00	0.03%	0.00%	\$0	\$0	B
Giltech Inc.						7.00	0.03%	0.00%	\$0	\$0	B

* Superseding 4/27/98 VRS

A De maximus party and does not qualify for de minimis settlement offer.

B Party has been identified as an orphan.

C Total payment for broker/transporter is detailed on the separate Broker/Transporter Volumetric Ranking Summary

D If company appears under a grouping, please refer to the combined entities throughout Alphabetical Volumetric Ranking Summary

E De minimis party.

AR000102

ORIGINAL

Malvern TCE Verfund Site
Generator Volumetric Ranking Summary*
 (By Descending Order)

Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
Hollingsworth						7.00	0.03%	0.03%	\$2,276	\$993	\$3,268
Iron Bound Heat Treating Co.						7.00	0.03%	0.03%	\$2,276	\$993	\$3,268
Krautkramer-Branson, Inc.						7.00	0.03%	0.03%	\$2,276	\$993	\$3,268
Met Fin	7.00	0.31%	0.31%	\$29,003	\$12,768	7.00	0.03%	0.03%	\$2,276	\$993	\$45,039
Shur-Kul Supply Corp.						7.00	0.03%	0.03%	\$2,276	\$993	\$3,268
Silvine						7.00	0.03%	0.03%	\$2,276	\$993	\$3,268
Valley Forge Laboratories, Inc.						7.00	0.03%	0.03%	\$2,276	\$993	\$3,268
Chrono-Log Corporation						6.28	0.02%	0.02%	\$2,042	\$891	\$2,932
ADEC						6.00	0.02%	0.00%	\$0	\$0	B
Alfa-Laval Separation, Inc.						6.00	0.02%	0.02%	\$1,951	\$851	\$2,801
Angelo						6.00	0.02%	0.02%	\$1,951	\$851	\$2,801
Coatings For Industry Inc.						6.00	0.02%	0.02%	\$1,951	\$851	\$2,801
Fluid Power, Inc.						6.00	0.02%	0.02%	\$1,951	\$851	\$2,801
Franklin Mint						6.00	0.02%	0.02%	\$1,951	\$851	\$2,801
K S M Fastening Systems Division						6.00	0.02%	0.02%	\$1,951	\$851	\$2,801
Lovelin Corporation						6.00	0.02%	0.02%	\$1,951	\$851	\$2,801
Philco Ford	6.00	0.26%	0.27%	\$24,859	\$10,944	6.00	0.02%	0.02%	\$1,951	\$851	\$38,605
Sermetal						6.00	0.02%	0.02%	\$1,951	\$851	\$2,801
Tele Dynamics						6.00	0.02%	0.02%	\$1,951	\$851	\$2,801
Fergusson						5.98	0.02%	0.02%	\$1,938	\$845	\$2,783
Boyetown Packing Co.						5.27	0.02%	0.02%	\$1,713	\$747	\$2,461
Brandt Corporation						5.00	0.02%	0.02%	\$1,625	\$709	\$2,335
Controls Service & Engineering						5.00	0.02%	0.02%	\$1,625	\$709	\$2,335
Dixon Industries Corp.						5.00	0.02%	0.02%	\$1,625	\$709	\$2,335
Ervin Crafts						5.00	0.02%	0.02%	\$1,625	\$709	\$2,335
Green Tweed Co.						5.00	0.02%	0.02%	\$1,625	\$709	\$2,335

* Superceding 4/27/98 VRS

A De maximus party and does not qualify for de minimis settlement offer.

B Party has been identified as an orphan.

C Total payment for broker/transporter is detailed on the separate Broker/Transporter Volumetric Ranking Summary.

D If your company appears under a grouping, please refer to the combined entities throughout the alphabetical Volumetric Ranking Summary

E De micromis party.

AR000103

ORIGINAL

Malvern TCE Superfund Site
Generator Volumetric Ranking Summary*
 (By Descending Order)

Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
Honeywell Instruments						5.00	0.02%	0.02%	\$1,625	\$709	\$2,335
Pyco Inc.						5.00	0.02%	0.02%	\$1,625	\$709	\$2,335
Reynolds Cleaners						5.00	0.02%	0.02%	\$1,625	\$709	\$2,335
Woodstream Corp.						5.00	0.02%	0.02%	\$1,625	\$709	\$2,335
Simco Company Inc.						4.52	0.02%	0.02%	\$1,469	\$641	\$2,110
E.I.T. Inc., Enterra Instrumentation Tech						4.51	0.02%	0.02%	\$1,466	\$640	\$2,106
Richard Hurst						4.08	0.01%	0.00%	\$0	\$0	B
Airline Hydraulic Corporation						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
AMF Head Division						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
Artco Corp.						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
Auto-Pack						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
Chem Cell Corporation						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
Doehler - Jarvis						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
E Hopkins Co.						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
Ext -Corporol						4.00	0.01%	0.00%	\$0	\$0	B
Far East Foods						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
Hale Pumps, Inc.						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
Keystone Transformer						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
McHugh Railroad Maint Equip Co.						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
Monitor Systems	4.00	0.18%	0.18%	\$16,573	\$7,298	4.00	0.01%	0.01%	\$1,300	\$567	\$25,736
Phillips & Jacob	4.00	0.18%	0.18%			4.00	0.01%	0.01%			C
S G L						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
Sanivan Labs						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
Scott Paper Corp.						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
Solar Atmospheres						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
Sweda/Hugin Group						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868

* Superseding 4/27/98 VRS

A De minimis party and does not qualify for de minimis settlement offer.

B Party has been identified as an orphan.

C Total payment for broker/transporter is detailed on the separate Broker/Transporter Volumetric Ranking Summary.

D If company appears under a grouping, please refer to the combined entities throughout Alphabetical Volumetric Ranking Summary

E De minimis party

AR000104

ORIGINAL

Malvern TCE erfund Site
Generator Volumetric Ranking Summary*
 (By Descending Order)

Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
United Contamination Controls Inc.						4.00	0.01%	0.01%	\$1,300	\$567	\$1,868
Gala Industries						3.55	0.01%	0.01%	\$1,154	\$503	\$1,658
Shared Medical Systems						3.27	0.01%	0.01%	\$1,063	\$464	\$1,527
Sterling Fleishman Co.						3.11	0.01%	0.01%	\$1,011	\$441	\$1,452
A. Johnson & Co., Inc.						3.00	0.01%	0.01%	\$975	\$425	\$1,401
Brooks Instrument						3.00	0.01%	0.01%	\$975	\$425	\$1,401
Danco Tool & Mold Co.						3.00	0.01%	0.01%	\$975	\$425	\$1,401
E M R Photoelectric						3.00	0.01%	0.01%	\$975	\$425	\$1,401
Emeco	3.00	0.13%	0.13%	\$12,430	\$5,472	3.00	0.01%	0.01%	\$975	\$425	\$19,302
Frontier Chemical Waste Process						3.00	0.01%	0.01%	\$975	\$425	\$1,401
Glah Bros., Inc.						3.00	0.01%	0.01%	\$975	\$425	\$1,401
H & L Cleaners						3.00	0.01%	0.00%	\$0	\$0	B
L & S Tool and Machine Co.						3.00	0.01%	0.01%	\$975	\$425	\$1,401
Lincoln						3.00	0.01%	0.01%	\$975	\$425	\$1,401
Matthew International						3.00	0.01%	0.01%	\$975	\$425	\$1,401
Ni-Chro						3.00	0.01%	0.01%	\$975	\$425	\$1,401
Peripheral Dynamics						3.00	0.01%	0.01%	\$975	\$425	\$1,401
Permutit/Sybron Corp.						3.00	0.01%	0.01%	\$975	\$425	\$1,401
Precision Arts Mfg.						3.00	0.01%	0.01%	\$975	\$425	\$1,401
Singer Co.						3.00	0.01%	0.01%	\$975	\$425	\$1,401
Troemner, Henry						3.00	0.01%	0.01%	\$975	\$425	\$1,401
Wave Energy Systems						3.00	0.01%	0.00%	\$0	\$0	B
Wilkinson Industries						3.00	0.01%	0.00%	\$0	\$0	B
Industrial Systems Design						2.84	0.01%	0.00%	\$0	\$0	B
Lowry's						2.55	0.01%	0.00%	\$0	\$0	B
R C Kletzing						2.50	0.01%	0.01%	\$813	\$355	\$1,167

* Superceding 4/27/98 VRS

A De maximus party and does not qualify for de minimis settlement offer.

B Party has been identified as an orphan

C Total payment for broker/transporter is detailed on the separate Broker/Transporter Volumetric Ranking Summary.

D If your company appears under a grouping, please refer to the combined entities throughout the alphabetical Volumetric Ranking Summary

E De micromis party

AR000105

ORIGINAL

Malvern TCE Superfund Site
Generator Volumetric Ranking Summary*
 (By Descending Order)

Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
Petter Engraving Inc.						2.04	0.01%	0.01%	\$663	\$289	\$952
Boeing Property						2.00	0.01%	0.01%	\$650	\$284	\$934
Brittany's Ltd.						2.00	0.01%	0.00%	\$0	\$0	B
Chem-Solv						2.00	0.01%	0.01%	\$650	\$284	\$934
Delmaco Mfg. Inc.						2.00	0.01%	0.01%	\$650	\$284	\$934
Dynamic Services						2.00	0.01%	0.00%	\$0	\$0	B
Gulf & Western						2.00	0.01%	0.01%	\$650	\$284	\$934
Hulltronics						2.00	0.01%	0.01%	\$650	\$284	\$934
Johnson Company						2.00	0.01%	0.01%	\$650	\$284	\$934
P H L Inc.						2.00	0.01%	0.01%	\$650	\$284	\$934
Paris Business Forms						2.00	0.01%	0.01%	\$650	\$284	\$934
Pepco Manufacturing Co						2.00	0.01%	0.01%	\$650	\$284	\$934
Peter Paul Cadbury Co.						2.00	0.01%	0.01%	\$650	\$284	\$934
Sperry Univac						2.00	0.01%	0.01%	\$650	\$284	\$934
Thermoseal Glass Corporation						2.00	0.01%	0.01%	\$650	\$284	\$934
Albright Paper & Box Corp.						1.11	0.00%	0.00%			E
Hough/Loew Associates						1.09	0.00%	0.00%			E
A. Duie Pyle						1.00	0.00%	0.00%			E
Ace Service Corp.						1.00	0.00%	0.00%			E
Antenna Corp.						1.00	0.00%	0.00%			E
Cincinnati Time						1.00	0.00%	0.00%			E
Devon Apparel						1.00	0.00%	0.00%			E
Durewood						1.00	0.00%	0.00%			E
Electro Tech Systems Inc.						1.00	0.00%	0.00%			E
Fairchild Space Systems						1.00	0.00%	0.00%			E
H I Services Inc.						1.00	0.00%	0.00%			E

* Superseding 4/27/98 VRS

A De maximus party and does not qualify for de minimis settlement offer.

B Party has been identified as an orphan

C Total payment for broker/transporter is detailed on the separate Broker/Transporter Volumetric Ranking Summary.

D If company appears under a grouping, please refer to the combined entities throughout Alphabetical Volumetric Ranking Summary

E L orms party

AR000106

CEI ORIGINAL

Malvern TCE erfund Site
Generator Volumetric Ranking Summary*
 (By Descending Order)

Generator Name	FDA Drums	FDA %	Revised FDA %	FDA Cost	FDA Premium	MPA Drums	MPA %	Revised MPA %	MPA Cost	MPA Premium	Generator Total De Minimis Payment
Mars Money Systems						1.00	0.00%	0.00%			E
National Computer Systems						1.00	0.00%	0.00%			E
National Products						1.00	0.00%	0.00%			E
Perkin-Elmer						1.00	0.00%	0.00%			E
Pocono Foundry Inc.						1.00	0.00%	0.00%			E
Schmidt Brewery Co.						1.00	0.00%	0.00%			E
Schramm Inc.						1.00	0.00%	0.00%			E
Specialty Glass Products						1.00	0.00%	0.00%			E
Tube Methods						1.00	0.00%	0.00%			E
Tudor Tech Inc.						1.00	0.00%	0.00%			E
Welding Co.						1.00	0.00%	0.00%			E
T R W Inc.						0.45	0.00%	0.00%			E
Budd Co.						0.38	0.00%	0.00%			E
Jenson, Homer						0.38	0.00%	0.00%			E
Wiltronics						0.30	0.00%	0.00%			E
Lightman Drum Co.						0.27	0.00%	0.00%			C
Mack Electric						0.27	0.00%	0.00%			E
Chester County Intermediate Unit						0.07	0.00%	0.00%			E
Thomson Engineering Co.	0.02	0.00%	0.00%			0.02	0.00%	0.00%			E
De Minimis Total:	573.00	25.89%	23.48%	\$2,168,627	\$960,287	9864.37	35.69%	33.61%	\$2,795,132	\$1,218,287	\$7,123,333
Total:	2283.71	100.00%	100.00%			27608.97	100.00%	100.00%			

* Superceding 4/27/98 VRS

A De maximus party and does not qualify for de minimis settlement offer

B Party has been identified as an orphan

C Total payment for broker/transporter is detailed on the separate Broker/Transporter Volumetric Ranking Summary

D If your company appears under a grouping, please refer to the combined entities throughout the alphabetical Volumetric Ranking Summary

E De micromis party

AR000107

ORIGINAL

Appendix D

Malvern TCE Superfund Site
Explanation Sheet for the Second Round *De Minimis* Settlement - Volumetric Ranking Summaries

The following provides an explanation of the information provided in the attached Malvern TCE Superfund Site (the Site) New Volumetric Ranking Summary (VRS) for the Second Round *De Minimis* Settlement. This New VRS for the Second Round *De Minimis* Settlement supplants the VRS dated 11/30/98 only in reference to the parties eligible for this Second Round *De Minimis* Settlement.¹

PRP Name = The name of the specific potentially responsible party (PRP).

FDA Drums = The total number of drums sent to the Site by each PRP before August 1, 1975.

FDA % = The total number of drums sent by the PRP to the Site prior to August 1, 1975, divided by the total number of documented drums received by Chemclene prior to August 1, 1975, multiplied by 100.

FDA Revised % = The total number of drums sent by the PRP prior to August 1, 1975, divided by the FDA total number of all non-orphan² drums received by Chemclene Corporation prior to August 1, 1975, multiplied by 100.

FDA Cost = The FDA Revised % divided by 100 and multiplied by \$10,544,199.49, the total past costs³ and estimated future cost associated with the FDA.

FDA Premium = The FDA Revised % divided by 100 and multiplied by future estimated costs for the FDA (\$8,155,725) multiplied by the premium (50% plus an additional 10% for those parties who were offered but declined to participate in the 1999 *de minimis* settlement).

MPA Drums = The total number of drums sent by each PRP, regardless of the date.

MPA % = The total number of drums sent by the PRP, regardless of date, divided by the total number of documented drums received by Chemclene Corporation, multiplied by 100.

MPA Revised % = The total number of drums sent by the PRP, regardless of date, divided by the total number of non-orphan² drums received by Chemclene Corporation, multiplied by 100.

MPA Cost = MPA Revised % divided by 100 and multiplied by \$9,961,900.49, the total past cost³ and estimated future cost associated with the MPA.

MPA Premium = The MPA Revised %, divided by 100 and multiplied by the future estimated costs for the MPA (\$7,573,426) multiplied by the premium (50% plus an additional 10% for those parties who were offered but declined to participate in the 1999 *de minimis* settlement).

Total Payment = The sum of the FDA Cost, FDA Premium, MPA Cost, and MPA Premium.

¹ The FDA Cost, FDA Premium, MPA Cost, and MPA Premium figures are rounded to zero decimal places for display purposes only. The full number is used in the calculation of the Total Payment.

² Non-orphan drums are drums for which there was either a viable generator or a viable broker/transporter as of November 30, 1998.

³ The total past cost for the Site as of October 3, 2000 is \$4,776,948.97. Half of this cost was allocated to the FDA, with the other half being allocated to the MPA.

**Malvern TCE Superfund Site
Second Round De Minimis Settlement
Volumetric Ranking Summary
(Alphabetical by PRP)**

PRP Name	FDA Drums	FDA %	FDA Revised %	FDA Cost	FDA Premium	MPA Drums	MPA %	MPA Revised %	MPA Cost	MPA Premium	Total Payment
American Electronics Laboratories						9.00	0.03%	0.03%	\$3,247	\$1,530	\$4,778
Boekel Industries						13.00	0.05%	0.05%	\$4,691	\$2,210	\$6,901
Elco Corporation	61.00	2.67%	2.73%	\$287,692	\$133,514	61.00	0.22%	0.23%	\$22,010	\$10,372	\$453,589
Erwins Crafts						5.00	0.02%	0.02%	\$1,804	\$850	\$2,654
K- D Tool Manufacturing						95.00	0.34%	0.36%	\$34,278	\$16,153	\$50,432
Maida Development						57.5	0.21%	0.22%	\$20,747	\$9,777	\$30,524
McHugh Railroad Maint. Equip. Co.						4.00	0.01%	0.01%	\$1,443	\$680	\$2,123
Photofabrication Chemical & Equipment						7.19	0.03%	0.03%	\$2,594	\$1,223	\$3,817
R & E Martin						171.29	0.62%	0.64%	\$61,805	\$29,125	\$90,931
Technitrol	10	0.44%	0.45%	\$47,163	\$18,240	10	0.04%	0.04%	\$3,608	\$1,417	\$70,428
Total	71					432.98					\$716,177

**Malvern TCE Superfund Site
Second De Minimis Settlement
Volumetric Ranking Summary
(Descending)**

PRP Name	FDA Drums	FDA %	FDA Revised %	FDA Cost	FDA Premium	MPA Drums	MPA %	MPA Revised %	MPA Cost	MPA Premium	Total Payment
Elco Corporation	61.00	2.67%	2.73%	\$287,692	\$133,514	61.00	0.22%	0.23%	\$22,010	\$10,372	\$453,589
R & E Martin						171.29	0.62%	0.64%	\$61,805	\$29,125	\$90,931
Technitrol	10.00	0.44%	0.45%	\$47,163	\$18,240	10.00	0.04%	0.04%	\$3,608	\$1,417	\$70,428
K-D Tool Manufacturing Co						95.00	0.34%	0.36%	\$34,278	\$16,153	\$50,432
Maida Development						57.5	0.21%	0.22%	\$20,747	\$9,777	\$30,524
Boekel Industries						13.00	0.05%	0.05%	\$4,691	\$2,210	\$6,901
American Electronics Laboratories						9.00	0.03%	0.03%	\$3,247	\$1,530	\$4,778
Photofabrication Chemical & Equipment						7.19	0.03%	0.03%	\$2,594	\$1,223	\$3,817
Ervins Crafts						5.00	0.02%	0.02%	\$1,804	\$850	\$2,654
McHugh Railroad Maint. Equip. Co.						4.00	0.01%	0.01%	\$1,443	\$680	\$2,123
Total	71					432.98					\$716,177

ATTORNEY WORK PRODUCT

SETTLEMENT ANALYSIS OF PROPOSED *De Minimis* SETTLEMENT FOR THE
MALVERN TCE SUPERFUND SITE

I. INTRODUCTION

This settlement analysis has been conducted in accordance with EPA's *Interim CERCLA Settlement Policy*, 50 Fed. Reg. 5034 (February 5, 1985). The document calls for a consideration of ten criteria in evaluating the propriety of settlements for less than 100% of cleanup costs. These criteria will be considered below.

EPA has negotiated this proposed *De Minimis* settlement, Administrative Order on Consent for *De Minimis* Settlement, Docket No. CERCLA-03-2001-0381 ("Second Round *De Minimis* AOC"), involving nine (9) of approximately 306 potentially responsible parties ("PRPs") settlers in connection with the Malvern TCE Superfund Site in East Whiteland Township, Chester County Pennsylvania ("Site"). The names of those PRPs participating in the Second Round *De Minimis* AOC, hereinafter referred to as "Second Round *De Minimis* Settlers," are set forth in Attachment 1. This settlement, if approved, will be the second *De Minimis* settlement EPA has entered into relating to the Site. EPA negotiated a first round *De Minimis* settlement, memorialized in Administrative Order for Consent for *De Minimis* Settlement, Docket No. III-98-074-DC ("First Round *De Minimis* AOC"), which was effective on September 28, 1999, involving 168 *De Minimis* PRPs.

Section 122(g) of CERCLA, 42 U.S.C. § 9622(g), allows EPA to reach an expedited final settlement with certain *De Minimis* parties in an administrative or civil action under Section 107 of CERCLA, 42 U.S.C. § 9607, if the settlement involves only a minor portion of the response costs at the Site; the settlement is practicable and in the public interest; and both the amount and the toxic or other hazardous effects of the substances contributed by the settling party are minimal in comparison to the other hazardous substances at the facility. See 42 U.S.C. § 9622(g)(1)(A).

The proposed settlement meets all of these conditions and is in accordance with the following EPA guidances: *Guidance on Premium Payments in CERCLA Settlements*, OSWER Dir. No. 9835.6 (November 17, 1988); *Methodologies for Implementation of CERCLA Section 122(g)(1)(A) De Minimis Waste Contributor Settlements*, OSWER Dir. No. 9834.7-1B (December 20, 1989); *Guidance on Preparing Waste-In Lists in Volumetric Rankings for Release to Potentially Responsible Parties under CERCLA*, OSWER Dir. No. 9835.1B (February 20, 1991); *Methodology for Early De Minimis Waste Contributor Settlements under CERCLA Section 122(g)(1)(A)*, OSWER Dir. No. 9834.7-1C (June 2, 1992); *Streamlined Approach for Settlements with De Minimis Waste Contributors under CERCLA Section 122(g)(1)(A)*, OSWER Directive 9834.71D (July 30, 1993) and *Standardizing the De Minimis Premium*, Bruce Diamond, Director, Office of Site Remediation Enforcement (July 7, 1995).

Pursuant to the EPA Office of Site Remediation Enforcement's "CERCLA Prior Approval, Concurrence, and Consultation Roles Chart," dated July 13, 2001, EPA Headquarters' review of and concurrence with this proposed settlement is not required.

II. SUMMARY OF TERMS OF PROPOSED SECOND ROUND *De Minimis* AOC

The proposed settlement includes individual payments by the Second Round *De Minimis* Settlers that total \$645,749.00. This amount includes each Second Round *De Minimis* Settlor's proportionate share of EPA's past and estimated future costs of \$20,506,099.97 and a proportional premium payment equal to 50% of EPA's costs incurred in connection with the Site. The settlement assesses an additional ten percent (10%) premium for those Second Round *De Minimis* Settlers that had previously received from EPA an offer to participate in the First Round *De Minimis* AOC, but failed to participate in that settlement. The additional premium was intended to mitigate any financial gain the parties might have gained by not participating in the first settlement.

The settlement also includes a cost reopener, which provides that in the event that total response costs at the Site exceed \$25 million, the settling PRP will remain liable for those excess costs. The applied premium, when applied in conjunction with the \$25 million remedy cost reopener, was determined to be sufficient to cover the risk associated with the current uncertainty about the estimates of future costs and the possibility that EPA will be unable to recover 100% of its costs from other parties.

III. SITE BACKGROUND

A. SITE HISTORY AND OWNERSHIP

The Site is located in East Whiteland Township, Chester County, Pennsylvania, and is comprised of land currently owned by the Chemclene Corporation ("Chemclene") and adjacent property owned by Springridge Management Corporation ("Springridge"). The Site is located less than ¼ mile from a Philadelphia Suburban Water Company well and is in close proximity to two residential communities and the Great Valley High School.

B. HISTORY OF OPERATIONS AT THE SITE

From 1952 until 1992, Chemclene sold and reclaimed industrial cleaning solvents, including trichloroethene ("TCE"); 1,1,1-trichloroethane ("1,1,1-TCA"); perchloroethylene ("PCE," also called tetrachloroethene); and methylene chloride ("MEC"). These solvents were used by local industries for degreasing metal parts and other cleaning purposes. Chemclene used a distillation process to remove impurities from the chlorinated solvents. The distilled solvents were then resold to customers for reuse, or resold to other customers. Chemclene utilized two areas of the Site as part of its operations, the Main Plant Area ("MPA") and the Former Disposal Area ("FDA").

The end products of processing waste solvents are the reclaimed solvents and chlorinated still bottoms. The chlorinated waste solvents are listed hazardous wastes pursuant to the Resource Conservation and Recovery Act ("RCRA") and, therefore, the resulting still bottoms are listed hazardous waste. Prior to 1975, Chemclene reportedly buried drums containing the still bottom sludges from the distillation process in the Former Disposal Area/Mounded Area ("FDA"), approximately 1,900 feet southwest of the main plant. The FDA consists of two unlined earthen pits, each approximately 30 feet by 50 feet by 15 feet deep. This area is currently secured by an 8-foot high chain link fence. The Mounded Area, located on the western edge of the FDA, is approximately 8 feet wide by 150 feet long.

Chemclene's activities at the Site have been linked to the presence of volatile organic contaminants in the groundwater and soil at the MPA and the FDA and the groundwater of the adjacent Springridge Property. These contaminants include TCE, PCE, 1,1,1-TCA, MEC, 1,1-DCE, among others, and are listed as hazardous substances under 40 C.F.R. § 302.4.

C. ENFORCEMENT HISTORY

In the spring of 1980, TCE was detected in groundwater from several wells in the vicinity of the Chemclene facility. At this time, Chemclene began sampling domestic wells in the immediate vicinity of the property. Private domestic wells and on-Site monitoring wells were sampled by Pennsylvania's Department of Environmental Resources, now known as the Department of Environmental Protection, and Chemclene in June 1980 and July 1981. Analytical results revealed contamination of the underlying aquifer with chlorinated ethenes and related compounds. TCE was detected in wells at concentrations up to 12,600 micrograms per liter ("g/l"), far exceeding the Maximum Contaminant Level of 5.0 g/l. The Site was listed on the Superfund National Priorities List in September 1983. The contaminated home wells were located south of the FDA, with several located in the Hillbrook Circle residential development. Chemclene furnished activated carbon filter units to twenty (20) residential wells within the Hillbrook Circle Development and conducted periodic sampling of home wells in accordance with its Domestic Well Management Plan until November 1994. In February 1995, EPA assumed control of maintenance activities of the carbon filter units and periodic sampling of the home wells, after it was determined that Chemclene was not following the procedures outlined in its Domestic Well Management Plan. In August 1995, several of the filter systems were upgraded by EPA in response to analytical results from residential well samples that showed contamination was passing through the existing filters into the homes.

In addition to the installation of carbon filters, Chemclene conducted removal actions following the detection of soil and groundwater contamination in 1980. Debris and approximately 300 drums were removed from the FDA excavations, in a prolonged removal effort from 1981 to 1984. Soils underlying the FDA were excavated to a depth of 15 feet and transported for disposal at a RCRA permitted disposal facility. Additional drums were removed

from the Mounded Area in late 1990; however, contaminated soil was left in place.

Four underground storage tanks were removed from the MPA in 1986. Soil samples collected from below the excavation grade of the tanks exhibited elevated concentrations of TCE, PCE, and 1,1,1-TCA. In addition, elevated levels of volatile organic compounds were detected in soil gas samples collected outside the distillation building in the MPA. These contaminant levels are believed to be related to Chemclene's past practices of discharging contaminated condensate from the recycling distillation process directly onto the ground surface.

As an operating facility, Chemclene entered into a RCRA Corrective Action Order with EPA in 1987. A RCRA Facilities Investigation Work Plan was approved for the Site in 1989. In July 1992, Chemclene withdrew its RCRA Part B Application as a treatment and storage facility, and to EPA's knowledge stopped accepting waste solvents for reclamation.

Chemclene failed to complete the RFI and implement interim corrective measures. As a result, EPA began considering the Site under the Superfund remedial program in November 1993. All existing data was compiled and a report was developed entitled Data Summary Report, April 1995. Based on EPA's review of the existing information, data gaps were identified and EPA was unable to conduct a Human Health or Ecological Risk Assessment. Accordingly, EPA conducted a Remedial Investigation ("RI") to complete the necessary data gathering at the Site. The RI was completed in January 1997 and the Feasibility Study ("FS") in June 1997. The Proposed Plan for a comprehensive Site cleanup was issued in June 1997. In November 1997, EPA issued a Record of Decision ("ROD") selecting a final remedy for cleanup of the Site. Available information indicates that Chemclene ceased operations in the Fall of 1999.

In April 1998, EPA notified approximately 250 generator and transporter PRPs of their eligibility for a potential Superfund *De Minimis* settlement offer regarding the Site. Additionally, in May 1998, EPA issued Special Notice Letters to approximately 40 non-*De Minimis* PRPs which notified them of their opportunity to resolve their liability with respect to the Site. In May 1999, EPA and 169 *De Minimis* parties entered into the First Round *De Minimis* AOC, which became effective September 28, 1999. In December 1999, the United States District Court for the Eastern District of Pennsylvania entered a Consent Decree between EPA and 35 non-*De Minimis* parties ("RD/RA Consent Decree Settlers"). Among other things, the RD/RA Consent Decree Settlers agreed to implement the Remedial Design and Remedial Action specified in the November 1997 ROD.

In April 2001, a group of the RD/RA Consent Decree Settlers ("Chemclene Site Defense Group") sent a letter to 130 parties demanding payment of contribution towards the cost of remediating the Site. In addition to seeking a per drum payment by non-settlers to settle potential claims of RD/RA Consent Decree Settlers, the RD/RA Consent Decree Settlers also sought payment by each non-settlor of a \$25,000 administrative fee. In response to receipt of

these demand letters, the proposed Second Round *De Minimis* Settlers, many of whom are small companies, contacted EPA seeking protection by the United States against these demands. As a result of these requests from the Second Round *De Minimis* Settlers, the United States has negotiated the proposed Second Round *De Minimis* AOC.

IV. ANALYSIS OF SETTLEMENT POLICY CRITERIA

A. Volume of Waste Contributed to the Site

Each PRP has been determined eligible for this settlement in accordance with EPA's Guidance entitled *Methodologies for Implementation of CERCLA Section 122(g)(1)(A) De Minimis Waste Contributor Settlements* (December 20, 1989), *Methodology for Early De Minimis Waste Contributor Settlements Under CERCLA Section 122(g)(1)(A)*, (June 2, 1992), and the *Streamlined Approach for Settlements with De Minimis Waste Contributors under CERCLA Section 122(g)(1)(A)*, OSWER Directive 9834.71D (June 30, 1993), which outline the criteria for *De Minimis* waste contributor settlements.

i. First De Minimis Settlement and the Original Volumetric Ranking Summaries

To aid its assessment of the First *De Minimis* AOC and other settlements, EPA compiled a Volumetric Ranking Summary ("Original VRS") using documents obtained by EPA from Chemclene. These documents, which include invoices, receipts, purchase orders, manifests, and a number of other related documents, refer to transactions dating from 1968 to 1992 between Chemclene and its customers.

a) Waste in to the Site

In preparing the original VRS, EPA and its contractors examined the Site documents to determine which transactions indicated the shipment of waste to Chemclene and the volume of those shipments. Based upon its understanding of Chemclene's operations, EPA assumed that any unit of waste shipped to the Site was just as likely to have become a contaminant in the environment as any other unit of waste.

b) Time Period Summarized

EPA and its contractors reviewed and summarized Site documents that referred to the 1968 to 1992 time period. EPA is aware that Chemclene's operations at the Site commenced in approximately 1952. However, since EPA does not have information relating to the 1952 to 1968 time period of Chemclene operations, EPA has made no assumptions regarding waste transactions during that time period. Available information indicates that

Chemclene withdrew its Part B application submitted pursuant to RCRA, to operate as a treatment and storage facility, and stopped accepting waste solvent for reclamation in July 1992.

c) Main Plant Area and Former Disposal Area.

Chemclene utilized both the MPA and FDA as part of Chemclene's operations. At all times during its operation, until approximately July 1992, Chemclene utilized the MPA to receive, accumulate, store, and process wastes, including hazardous substances. Wastes, including hazardous substances, were released and disposed of at the MPA as a result of Chemclene's operations. Chemclene also disposed of wastes, including hazardous substances, at the FDA. Chemclene claims that disposal at the FDA ceased when new management took over the business in approximately August 1975, at which point Chemclene discontinued use of the FDA and disposed of waste generated from the reclamation process off-Site.

EPA calculated costs and monetary liability separately for the MPA and FDA. When preparing the Original VRS, EPA counted all waste transactions between Chemclene and PRPs during the 1968 to August 1975 time period as waste into both the MPA and the FDA. EPA counted waste transactions between Chemclene and PRPs after August 1, 1975, only as waste into the MPA. Each PRP's eligibility for *De Minimis* status was determined using the percentage of the total waste sent to the Site by the PRP, since all waste into the Site was received and processed by Chemclene at the MPA.

d) Units of Measurement

To the extent applicable, EPA prepared the Original VRS in accordance with OSWER Directive 9835.16, Guidance to Preparing and Releasing Waste-In Lists and Volumetric Rankings to PRPs Under CERCLA, dated February 22, 1991. The most common unit of shipment was the 55-gallon drum, and therefore, to the extent appropriate, all other units found in the documentation were converted to 55-gallon drum units. In comparatively few instances, shipments of waste were listed in units of weight or other units. In these instances EPA used conversion assumptions consistent with OSWER Directive 9835.16.

e) Brokers/Transporters

EPA identified a number of PRPs that appear to have acted as brokers and/or transporters with whom it appears Chemclene dealt directly. Consistent with OSWER Directive 9835.16, whenever a Site record reflected a transaction in which both a generator PRP and a broker/transporter PRP are expressly identified, EPA attributed the waste volume referred to in each such transaction to both the generator and the broker/transporter for purposes of compiling waste-in information contained in the Original VRS. However, EPA counted the total waste referred to in these transactions only once for purposes of determining total waste contributed to the Site by all PRPs. In cases where a third-party generator was not identified, the party named on the invoice or other documentation was treated as a generator for that transaction.

ii. The Proposed Second Round *De Minimis* AOC and the New Volumetric Ranking Summary

In preparation of the Second Round *De Minimis* AOC, EPA created a New Volumetric Ranking Summary ("New VRS"). The New VRS was created using the methodology of the Original VRS, but only contains the waste-in and volume information for the *De Minimis* PRPs to whom settlement was offered. For purposes of the New VRS, no distinction was made between generators and broker/transporters; rather, the New VRS reflects the total volume of waste contributed by each eligible PRP to the FDA and MPA areas.

In the First Round *De Minimis* AOC, EPA established a cut-off for *De Minimis* settlement eligibility using a percentage of the total waste set to the Site by the PRP. As in the First Round *De Minimis* AOC, a PRP was able to participate in the Second Round *De Minimis* AOC if its volumetric contribution of hazardous substances to the Site was less than 0.75% of the total volume attributed to the MPA.

B. Nature of Waste Contributed

The primary hazardous substances sent to the Site by the Second Round *De Minimis* Settlers and other parties were volatile organic contaminants ("VOCs") comprised mostly of chlorinated aliphatic hydrocarbons ("CAHs") including: 1,2-dichloroethane (1,2-DCA), total 1,2-dichloroethene (total 1,2-DCE), MEC, PCE, 1,1,1-TCA, and TCE.

TCE was detected in the samples ranging in concentrations from 1 to 420,000 ug/kg (MPA-8, at 25-27 foot depth). Total 1,2-DCE was detected in the samples ranging in concentrations from 1 to 4,000 ug/kg (MPA-6 at 10-12 foot depth). PCE was detected in the samples from 2 to 270,000 ug/kg MPA-6, 10-12 feet depth).

C. Strength of Evidence Linking Wastes at the Site to the Settling Parties

EPA has good evidence tracing the wastes at the Site to the proposed Second Round *De Minimis* Settlers. Each transaction attributed to a particular PRP has been supported by documentation which EPA received from the Site operator, Chemclene. PRPs were each supplied with copies of their individual transactions. Challenges to volumetric contributions have been reviewed and any requisite adjustments are reflected in the volumetric ranking summary. EPA's means of gathering information and determining each generator's contribution are described above.

D. Ability to Pay

The proposed Second Round *De Minimis* Settlers have represented to EPA that they have

sufficient financial resources available to meet their obligations under the terms of the settlement. No Settlor has indicated that it believes that it has a limited ability to pay the settlement amount.

E. Litigative Risks in Proceeding to Trial

The probability that the United States will litigate the case with *De Minimis* parties who have not executed the First Round *De Minimis* AOC or Second Round *De Minimis* AOC is unlikely. Should, the settlement prove unsuccessful, the United States faces some risk in proceeding to trial against such *De Minimis* parties.

Regardless of whether the *De Minimis* parties are liable to the United States, they may argue that they were merely recycling their waste and that Chemlene was responsible for mishandling waste material sent to the Site. Some generators could be expected to argue that the methodology EPA employed to construct the Original and New VRS is faulty because: a) EPA counted all drums appearing on Site records as full, but one generator has already submitted an affidavit to the contrary; and b) the VRS is based on an arbitrary division, because EPA has excluded the operational time period from 1952 - 1968 during which PRPs maintain that dumping occurred.

A portion of the waste attributed to various PRPs on the Original VRS was listed on the Site records as waste oil. Because of this several PRPs have asserted that both EPA's methodology and VRS are faulty. EPA is unable to conclusively determine whether or not drums alleged to contain waste oil actually contained the hazardous substances which are the contaminants of concern at this Site.

There are no Robert Caron issues at this Site.

F. Public Interest Considerations

A settlement with the proposed Second Round *De Minimis* Settlers is also practicable and in the public interest because such a settlement should resolve all claims by EPA against such parties for their share of responsibility of costs at the Site. This settlement, among other things, will simplify ongoing settlement negotiations by reducing the total number of parties involved, will reduce transaction costs, and will provide the proposed Second Round *De Minimis* Settlers an opportunity to resolve their CERCLA liability without the need for extensive negotiation. In addition, as provided in the Second Round *De Minimis* AOC, the \$645,749.00 to be paid by the Second Round *De Minimis* Settlers, will be deposited in a Special Account and made available to EPA, or by a party designated by EPA, to conduct and/or finance response action at or in connection with the Site.

G. Precedential Value

EPA launched three rounds of Superfund Reforms beginning in 1993 that addressed a wide range of concerns such as: (a) enhancing enforcement fairness and the reduction of high transaction costs incurred by PRPs in reaching settlements; (b) enhancement of cleanup effectiveness and consistency; (c) enhancement of public involvement. The first of these initiatives included; (i) an increased use of allocation tools in connection with ongoing litigation in an effort to promote settlements and to reduce transaction costs; (ii) encouragement of more, early and expedited settlements with small waste contributors, (iii) greater fairness for owners at Superfund Sites, and (iv) evaluation application of EPA's mixed funding policy. This settlement embraces these reforms.

H. Value of Obtaining a Present Sum Certain

The settlement of this case allows funds and other resources that would be expended in future litigation support to be preserved for other matters. In addition, the money recovered and the interest it will earn will help replenish the Superfund for past costs expended. The balance will be deposited into a PRP Special Account, and will be made available for reimbursement to RD/RA Consent Decree Settlers with regard to response costs incurred by those parties pursuant to the RD/RA Consent Decree.

I. Inequities and Other Aggravating Factors

Since the available evidence shows the proposed Second Round *De Minimis* Settlers contributed a small portion of the total volume of hazardous substances found at the Site, to hold such parties liable for the full \$20,506,099.97 in past and estimated future response costs would have presented an apparent inequity. Although CERCLA operates on the underlying principle of strict liability and equitable matters are not defenses, inequities are considered for purposes of settlement. In addition, not settling the case against the proposed Second Round *De Minimis* Settlers would cause the incurrence of substantial transaction costs for both the Second Round *De Minimis* Settlers and the United States.

J. Nature of the Case Remaining

Of the remaining PRPs who would qualify for a *De Minimis* settlement, EPA has received numerous challenges to liability based on issues of corporate succession, mis-identification, or bankruptcy. Many PRPs have failed to reply to repeated attempts to contact them. Final determinations on the above-referenced challenges may lead to another round of General Notice Letters and a possible third *De Minimis* settlement.

It is anticipated that the United States, the RD/RA Consent Decree Settlers, and the Site

owners/operators may settle claims of the United States and the RD/RA Consent Decree Settlers against the owners/operators in connection with the Site.

ATTACHMENT 1

Second Round *De Minimis* AOC Settlers

**BAE Systems Aerospace Electronics, Inc.
for American Electronics Laboratory, Inc.**

**Boekel Industries, Inc.
for Boekel Scientific**

**Irvin's Tinware Company
for Ervins Crafts**

**AVX Corporation
for Elco Corporation**

**Danaher Corporation
for K-D Tool Manufacturing**

Maida Development Company

McHugh Railroad Maintenance Equipment, Inc.

Photofabrication Chemical and Equipment Company

R & E Martin

PROPOSED ADMINISTRATIVE SETTLEMENT
UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION, AND LIABILITY ACT

AGENCY: U.S. Environmental Protection Agency.

ACTION: Request for Public Comment.

SUMMARY: The U.S. Environmental Protection Agency is proposing to enter into a de minimis settlement pursuant to Section 122(g)(4) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. § 9622(g)(4). This proposed settlement is intended to resolve the liabilities under CERCLA of nine (9) de minimis parties for response costs incurred and to be incurred at the Malvern TCE Superfund Site, East Whiteland and Charlestown Townships, Chester County, Pennsylvania.

DATES: Comments must be provided within thirty (30) days from publication.

ADDRESS: Comments should be addressed to Suzanne Canning, Docket Clerk, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103, and should refer to the Malvern TCE Superfund Site, East Whiteland Township, Chester County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Joan A. Johnson (3RC41),
215/814-2619, U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia,
Pennsylvania 19103.

SUPPLEMENTARY INFORMATION: Notice of de minimis settlement: In accordance with Section 122(i)(1) of CERCLA, 42 U.S.C. 122(i)(1), notice is hereby given of a proposed administrative settlement concerning the Malvern TCE Superfund Site, in East Whiteland Chester County, Pennsylvania. The administrative settlement is subject to review by the public pursuant to this Notice. This agreement is also subject to the approval of the Attorney General, United States Department of Justice or his designee. A list of the parties who have executed binding certifications of their consent to participate in this settlement is available from U.S. EPA at the address listed above.

The nine (9) settling parties collectively have agreed to pay \$645,749 to the Hazardous Substances Trust Fund subject to the contingency that EPA may elect not to complete the settlement if comments received from the public during this comment period disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate. Monies collected from the de minimis parties will be applied towards past and future response costs incurred by EPA or PRPs performing work at or in connection with the Site. The settlement includes a 60% premium to cover the risk of cost overruns or increased costs to address conditions at the Site previously unknown to EPA but discovered after the effective date of the Consent Order. The settlement also includes a reservation of rights by EPA, pursuant to which EPA reserves its rights to seek recovery from the settling de minimis parties of response costs incurred by EPA in connection with the Site to the extent such costs exceed \$25 million.

EPA is entering into this agreement under the authority of Section 122(g) of CERCLA, 42 U.S.C. § 9622(g). Section 122(g) authorizes early settlements with de minimis parties to allow them to resolve their liabilities at Superfund Sites without incurring substantial transaction costs. Under this authority, EPA proposes to settle with potentially responsible parties in connection

with the Malvern TCE Superfund Site, each of whom is responsible for .75 percent or less of the volume of hazardous substance sent to the Site. As part of this de minimis settlement, EPA will grant the nine settling de minimis parties a covenant not to sue or take administrative action against any of the nine settling PRPs for reimbursement of response costs or injunctive relief pursuant to Sections 106 and 107 of CERCLA, 42 U.S.C. §§ 9606 and 9607, or for injunctive relief pursuant to Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6973, with regard to the Site. EPA issued this settlement offer to the de minimis parties on May 29, 2001.

The Environmental Protection Agency will receive written comments relating to this settlement for thirty (30) days from the date of publication of this Notice. A copy of the proposed Administrative Order on Consent can be obtained from Joan A. Johnson, U.S. Environmental Protection Agency, Region III, Office of Regional Counsel, 1650 Arch Street, Philadelphia, Pennsylvania, 19103 or by contacting Joan A. Johnson at (215) 814-2619.

Thomas C. Voltaggio
Acting Regional Administrator
U.S. Environmental Protection Agency
Region III

Date

MALVERN TCE SUPERFUND SITE ADMINISTRATIVE RECORD FILE
FOR THE SECOND DE MINIMIS SETTLEMENT

INDEX OF DOCUMENTS

- I) GUIDANCE DOCUMENTS (incorporated by reference from FIRST DE MINIMIS SETTLEMENT, ADMINISTRATIVE ORDER ON CONSENT FOR DE MINIMIS SETTLEMENT, Docket No III-98-074-DC)
- A) "Guidance on Premium Payments in CERCLA Settlements," OSWER Dir. No. 9835.6 (November 17, 1988).
- B) "Methodologies for Implementation of CERCLA Section 122(g)(1)(A) De Minimis Waste Contributor Settlements," OSWER Dir. No. 9834.7-1B (December 20, 1989).
- C) "Guidance on Preparing Waste-In Lists in Volumetric Rankings for Release to Potentially Responsible Parties under CERCLA," OSWER Dir. No. 9835.16 (February 20, 1991).
- D) "Methodology for Early *De Minimis* Waste Contributor Settlements under CERCLA Section 122(g)(1)(A)," OSWER Dir. No. 9834.7-1C (June 2, 1992).
- E) "Streamlined Approach for Settlements with *De Minimis* Waste Contributors under CERCLA Section 122(g)(1)(A)," OSWER Directive 9834.71D (July 30, 1993).
- F) "Standardizing the *De Minimis* Premium," Bruce Diamond, Director, Office of Site Remediation Enforcement (July 7, 1995).

II) POTENTIALLY RESPONSIBLE PARTIES

- A) Letter regarding General Notice of Potential Liability in relation to the Malvern TCE Superfund Site, dated November 16, 1996 (Incorporated by Reference)
 - 1) Attachments
 - a) Site Fact Sheet.
 - b) Draft Volumetric Ranking, dated 11/14/96.
 - 2) Comprehensive Mailing List of Potentially Responsible Parties who were sent the November 16, 1996, General Notice of Potential Liability Letter.
- B) Letter to Technitrol, Inc. regarding General Notice of Potential Liability in relation to the Malvern TCE Superfund Site, dated May 29, 2001.
- C) Letter conveying the *De Minimis* Settlement Offer, dated May 29, 2001.
 - 1) Enclosure – Site Background
 - 2) Attachments
 - a) List of *De Minimis* Parties receiving the May 29, 2001 settlement offer.
 - b) Draft Administrative Order on Consent for *De Minimis* Parties.
 - c) Volumetric Ranking Summaries with attached Volumetric Ranking Summary Explanation Sheet, and Volumetric Ranking Summaries Overview and Methodology.
 - d) New Volumetric Ranking Summary for the Second Round *De Minimis* Settlement (“New VRS”) with attached Volumetric Ranking Summary Explanation Sheet.
 - e) Comprehensive Mailing List (All Site PRPs).
 - f) Site Documents and Comprehensive Transaction Reports.
 - g) Small Business Regulatory and Enforcement Fairness Act Information Sheet.

III) VOLUMETRIC RANKING AND METHODOLOGY

- A) Malvern TCE Volumetric Ranking Summaries/Overview and Methodology (incorporated by reference).
- B) Malvern TCE Superfund Site Generator Volumetric Ranking Summary by Descending Order, dated 11/30/98 (incorporated by reference).
- C) Malvern TCE Superfund Site Generator Volumetric Ranking Summary by Alphabetical Listing, dated 11/30/98 (incorporated by reference).
- D) Malvern TCE Superfund Site Broker/Transporter Volumetric Ranking Summary, dated 11/30/98 (incorporated by reference).
- E) Comprehensive Transaction Report Summary for each potentially responsible party in relation to the Malvern TCE Superfund Site, dated 3/4/99 (incorporated by reference).
- F) Memorandum from William C. Early, US EPA, Regional Counsel and Abraham Ferdas, US EPA, Director, Hazardous Site Cleanup Division, to Robert J. Welsh, US EPA, Region III, Regional Administrator, Re: Explanation of Proposed Second Round *De Minimis* Settlement for the Malvern TCE Superfund Site, dated 6/27/01.

IV SETTLEMENT DOCUMENTS AND PUBLIC COMMENT

- A) Administrative Order on Consent for *De Minimis* Settlement for the Malvern TCE Superfund Site, Docket No. CERCLA-03-2001-0381.
 - 1) Attachment 1 - List of 9 Settling Parties
- B) Federal Register Notice prepared by US EPA, Re: Proposed Administrative Settlement Under the Comprehensive Environmental Response, Compensation, and Liability Act, Request for Public Comment.
- C) Malvern TCE Site, East Whiteland Twp., Chester County, PA - Pre-Design Investigation Summary memorandum dated September 17, 2001.

I would like to extend my thanks to Robert LeFevre and William Hutchins of your staff for their continued involvement in this matter. Please contact Ms. Johnson of the Regional staff at the above-listed telephone numbers if you have any questions regarding this matter.

Sincerely,

Thomas C. Voltaggio
Acting Regional Administrator

cc: Sylvia Lawrence
Acting Assistant Administrator for the Office of Enforcement and
Compliance Assurance

Enclosures

CONCURRENCES								
SYMBOL	3HS11	3RC41	3RC41	3RC00	3HS11	3HS21	3HS21	3HS10
SURNAME	Prisk <i>awp</i>	Johnson	Torres	Early	Mittler	Root	Dappalone	Spkrowski
DATE	9/4/01	9/6/01	9/19/01	9/21/01	9/17/01	9/13/01	9/17/01	9/17/01
SYMBOL	3HS00	3RA00						
SURNAME	Ferdas	Voltaggio						
DATE	9/21/01	9/21/01						